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- 1 Introduced by Mr. Durfee, Feb. 25, 1909.
2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation in aid of the Illinois State Horticultural Society.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be, and is hereby, appropriated for the
3 use of the Illinois State Horticultural Society the sum of five thousand dollars
4 (\$5,000.00) per annum for the purpose of advancing the growth and develop-
5 ment of the horticultural interests of the State for the years 1909 and 1910,
6 said sum to be expended by said society for the purpose and in the manner speci-
7 fied in "An Act to organize the Illinois State Horticultural Society," approved
8 March 24, 1874: *Provided, however,* that no portion thereof shall be paid for
9 or on account of any salary or emoluments of any officer of said society, except
10 the secretary, who may receive not to exceed four hundred dollars per annum:
11 *And, provided, further,* that one thousand dollars (\$1,000.00) of said sum may
12 be expended each year in field experiments.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant upon the State Treasurer for the sum in this Act specified on bills
3 of particulars certified to by the officials of said society to the order of the
4 president of said society, and the State Treasurer shall pay the same out of
5 any funds in the treasury not otherwise appropriated.

- 1 Introduced by Mr. Forst, Feb. 25, 1909.
- 2 Read by title, ordered printed and ordered to lie on Speaker's table.

A BILL

For an Act to require certain dangerous employments in intrastate commerce to pay prompt compensation to their employes in respect of injuries or death, to change the common law in respect of master and servant, and to enforce the provisions of this Act by the creation of a commission of compensation awards.

GENERAL PROVISIONS.

CHAPTER I.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That if, in any employment to which this Act applies, a workman shall receive personal injury, arising out of or in the course of the said employment, or while said workman is furthering his employer's interest or is acting upon an emergency, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first

7 schedule to this Act notwithstanding any rules of the common law or of any
 8 statute in respect of contributory negligence, assumption of risk, common em-
 9 ployment fellow servant's negligence, or acts of contractors.

Sec. 2. *Provided*, that the employer shall not be liable under this Act in
 2 respect of any injury which does not disable the workman for a period of
 3 at least two weeks from earning full wages at the work at which he was last
 4 employed. When the injury is caused by the personal negligence or willful act
 5 of the employer, or of some person for whose act or default the employer is re-
 6 sponsible, nothing in this Act shall affect any civil liability of the employer,
 7 but in that case the workman may, at his option, either claim compensation
 8 under this Act, or take the same proceedings as were open to him before the
 9 enactment of this Act, notwithstanding any provision of this Act: *Provided*,
 10 *further*, that the employer shall not be liable to pay compensation for injury
 11 to a workman by accident arising out of and in the course of the employment
 12 both independently of and also under this Act, and shall not be liable to any
 13 proceedings independently of this Act, except in case of such personal negli-
 14 gence or willful act as aforesaid. If the employer prove that the injury to a
 15 workman was caused by the fraudulent and willful misconduct of that work-
 16 man, and did not tend to benefit the enterprise or works of the employer, any
 17 compensation claimed in respect of that injury under this Act shall be dis-
 18 allowed, but the cost shall be paid by the State in that case.

Sec. 3. If any question arises in any proceedings under this Act as to the
 2 liability to pay compensation under this Act (including any question as to
 3 whether the employment is one to which this Act applies), or as to the amount
 4 or duration of compensation under this Act if not settled by agreement, shall,
 5 subject to the provisions of the first schedule to this Act, be settled by arbi-
 6 tration in accordance with the second schedule of this Act.

Sec. 4. If, within the time hereinafter in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by an accident, and it is determined in such action that the injury is one for which the employer is not liable in such action at law or by any statute of this State or of the United States, but one for which he would have been liable to pay compensation under the provisions of this Act, the action, if brought in any court of this State, shall be dismissed; but the court in which the action is tried shall, if the plaintiff shall so choose, proceed to assess such compensation and shall be at liberty to deduct from such compensation all the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act.

If, in any proceeding under this subsection, when the court assesses the compensation, it shall give a certificate or decision stating the amount of compensation it has awarded and the orders or directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act and shall be docketed as hereinafter set forth.

Sec. 5. Nothing in this Act shall affect any suit or proceeding or action for a fine, penalty, or a forfeiture under any Acts passed prior hereto relating to railways, mines, theatres, or factories, or the application of any such fine or penalty.

CHAPTER II.

Section 1. Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect of such accident causing the injury, or in case of death, within six months from the time of death: *Provided,*

7 *always*, that the want of the notice or any defect or inaccuracy in such notice
8 shall not be a bar to the maintenance of such proceedings, if it is found in the
9 proceedings for settling the claims that the employer is not prejudiced in his
10 defense by the want, defect, or inaccuracy or that such want, defect, or inaccu-
11 racy was occasioned by mistake or other reasonable cause, or by the absence
12 from this State of the dependents.

Sec. 2. Notice in respect of any injury under this Act shall give the name
2 and address of the person injured and shall state in ordinary language the
3 cause of the injury and the date and time at which it was sustained and shall
4 be served on the employer, or, if there is more than one employer, upon one
5 of such employers.

Sec. 3. The notice may be served by delivering the same to or at the
2 residence or usual place of business of the one person on whom it is to be
3 served, and an affidavit of such service, by some person other than the injured
4 person, shall be *prima facie* evidence of such service.

Sec. 4. The said notice may also be served by mail by a registered letter
2 addressed to the person on whom it is to be served at his last known place
3 of residence or usual place of business, and if served by mail shall be deemed
4 to have been served at the time when the letter containing the same would
5 have been delivered in the ordinary course of registered mail, and the registry
6 mail receipt shall be *prima facie* evidence of the service of such notice by the
7 employer in due course of registered mail.

Sec. 5. When the employer is a body of persons, corporate or incorpo-
2 rate, the notice may be also served by delivering the same at or by sending it
3 by mail in a registered letter addressed to the employer at the office, or, if there
4 be more than one office, at any of the offices of such body in this State.

Sec. 6. Where any employer becomes liable under this Act to pay compensation in respect of any accident, and is entitled to any sum from the insurers in respect of the amount due to a workman under such liability, then in the event of the employer becoming or being declared bankrupt, or making a composition or arrangement with his or their creditors, or, if the employer is a corporation or company, or the corporation having commenced to dissolve or is in the hands of a receiver of a court, such workman shall have a first charge upon the sum aforesaid for the amount so due, and the judge of the said court shall direct the insurers to pay such sum into office of the clerk of the court in the name of the clerk of such court, and order the same to be invested or applied in accordance with the provisions of the first schedule hereto with reference to the investment of trust funds of any sum allotted as compensation, and the provisions for the investment of trust funds shall apply accordingly.

Sec. 7. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the workman may, at his option, proceed, either at law or by the statutes heretofore enacted against the employer to recover damages, or against his employer for compensation under this Act, but not against both, and if compensation be paid under this Act the employer shall be entitled to be indemnified by the said other person.

CHAPTER III.

Section 1. This Act shall apply only to employment by the employers or undertakers or managers on, or in, or about, any railroad, railway, express companies, telegraph and telephone companies, gas and electric companies or other common carriers as herein defined, factory, mills, machine shop, foundry, packing house, etc., slaughter house, mine, quarry, and engineering works, as

6 hereinafter defined and to employment by employers, undertakers, or mana-
7 gers, as hereinafter defined, on, or in, or about, any building which exceeds
8 thirty feet in height, and is either being constructed or repaired by means of
9 scaffolding, or which is being demolished, or on which machinery, driven by
10 steam, water, electric, or any other mechanical power, is being used for the pur-
11 pose of the construction, repair or demolition thereof, and to all caisson and
12 underpinning work whatsoever used in or about any of the employments here-
13 inbefore set forth.

Sec. 2. In this Act the following terms shall be held to mean: The term
2 "railroad," as used in this Act, shall mean and embrace persons as herein-
3 after defined, who own, control, manage, or operate any railway, or part
4 thereof, as a common carrier of persons or property on a railway in respect,
5 however, of the intrastate commerce therein, only and until the congress of
6 the United States legislates in respect thereof. The term "railway," as used
7 in this Act, shall mean and embrace in respect of the said intrastate commerce,
8 any and all tracks, cars, locomotives, tenders, or other vehicles whatsoever,
9 of any railroad company operated by steam, electricity, animal, gravity, or any
10 mechanical power whatsoever, and shall be held to include the movable plat-
11 form and mechanical pleasure devices in, on, or about, any amusement park
12 or place of amusement, as well as all stations, switches, spurs, sidings,
13 wharves, trestles, dumps, docks, industrial lines, bridges, ferries, approaches,
14 slips, subways, tunnels, elevators, refrigerators, and their plants or apparatus;
15 and also all the right of way, road or approaches, crossings or culverts in use
16 by any railroad whether any or all of the foregoing be owned or operated
17 under a contract agreement or lease; and all other terminal facilities of every
18 kind used or necessary in the transportation of the persons or property in
19 respect to or of intrastate commerce and shall include urban and interurban
20 electric railways, horse car lines, cable, quarry, or mine railroads within the

21 State, as well as all freight depots, yards, grounds, docks and wharves, used
 22 or necessary in the receiving, delivering, storage or transporting or handling
 23 or delivery of any property for use within this State, or in respect of which
 24 particular movement or service the employer cannot show that the movement
 25 is subject to the Act of congress entitled "An Act to regulate commerce," as
 26 amended or to any Act amendatory of or supplementary thereto, or is other-
 27 wise not subject to the police power of this State for the purpose of safe-
 28 guarding the life, health and limbs of its citizens and inhabitants.

29 The following named common carriers of persons, or property, or both,
 30 shall, in respect of their wagons, cars, works, plants, or other instrumentali-
 31 ties, be liable to pay compensation while their instrumentalities of commerce
 32 are engaged in intrastate commerce as hereinbefore defined in respect to the
 33 term "railroad," viz: sleeping car companies, express companies, telegraph
 34 companies (wire or wireless), telephone companies, waterworks, gas and elec-
 35 tric companies and pipe lines, whether used or maintained in connection with
 36 or apart from any railroad, as hereinbefore defined, and all limitations used
 37 hereinbefore in respect of railroad, the intrastate commerce of said common
 38 carriers or employments, shall be deemed to have been re-enacted herein as
 39 though fully set out herein.

40 The term "factory" as used in this Act shall include docks, wharves, quays,
 41 platforms, tunnels, subways, warehouses, machinery and plants; and all beltings,
 42 internal carriers, elevators, chutes or lifts necessary or used in connection with
 43 any or in any of the following establishments, shops or enterprises, not subject
 44 hereto as common carriers, as hereinafter defined in respect of their intrastate
 45 commerce, viz: manufacturing establishments, mechanical, electrical, slaughter-
 46 ing or packing house, rolling mill, distilling, brewing, malting, mercantile, art
 47 and laundering—printing, telegraph and telephone companies, operated by steam,
 48 water, electricity or other mechanical power, and shall include warehouses and
 49 storehouses and all the buildings, additions and connections thereto, including

50 elevators, lifts or chutes, whether owned or leased, and occupied or operated
51 by said establishments or any of them, where the work of said establishments
52 or any of them is carried on: *Provided* that if any injury occurs by fire or col-
53 lapse in respect of the buildings or any of them, the owner shall be primarily
54 liable to pay compensation, and that this liability shall run with the land until it
55 is ratified and shall have precedence over every claim except taxes due the
56 United States of America: *Provided, nevertheless*, that this Act shall not be
57 deemed to affect the rights or duties of any officer, employe or agent of the
58 United States or of any person acting under orders of any such federal au-
59 thority or officer. The term "mines and quarries," as used in this Act shall
60 mean and include the standard or narrow gauge railway as used therein or
61 thereon as fully as though the definition of railroad hereinbefore used were re-
62 peated, and all terminal facilities hereinbefore defined whether on, above, or
63 below ground, in, on, about, or adjacent to and belonging to said mines or
64 quarries. The term "mine" as used in this Act shall mean and include any
65 pit or excavation or pipe, or sunken or driven well, or the works in, on or about an
66 oil well, in the earth, whether above or underground, from which oil or ores or
67 mineral substances are taken by digging or drilling, and shall be held to include
68 every cut, shaft—in the course of being driven, dug, or sunk—and every in-
69 clined plane in the course of being driven, and all shafts, levels, planes, works,
70 and railroads as defined hereinbefore so far as applicable hereto, both below,
71 on, or above ground, in and adjacent to or ancillary to the working or belong-
72 ing to the mine, and all hoisting, dumping, drilling, and gravity apparatus,
73 used in connection therewith not elsewhere herein defined as a part of the term
74 "railroad." The term "quarry," as used in this Act shall mean and include
75 every place not hereinbefore defined as a mine in which persons work in get-
76 ting out slate, granite, quartz, iron ore, sandstone, caprolite, or any other min-
77 eral, and any part of which is more than twenty feet deep: *Provided*, that the
78 appliance used in connection with the term "mine" shall be deemed to have

79 been re-enacted wheresoever applicable as fully as though set forth herein. The
80 term "engineering work" shall mean and include any work of construction or
81 alteration or repair of sewer, and shall include any other work on which ma-
82 chinery is used temporarily, or permanently whether in alteration, construc-
83 tion, or repair, or use, whether said machinery appliance be driven by steam,
84 water, air, electricity, gravity or other mechanical power. The term "under-
85 takers," in the case of a railway, as used in this Act shall mean the operating
86 person or company, or the railroad company; in the case of a factory, mine, or
87 quarry, or oil well as herein defined it shall mean the occupier or owner there-
88 of, and in the case of a mine the licensee shall not be liable until the remedies
89 are exhausted against the owner thereof; and in the case of an electrical work
90 it shall mean the person undertaking the construction, alteration, or repair; and
91 in the case of a building it shall mean the persons undertaking the construc-
92 tion, repair, caissoning or demolition. The term "art establishment" shall be
93 deemed to include theatre, amusement parks, amusement devices and all work
94 done on or in or about any of the foregoing, whether in operation, maintenance
95 or repair, or in the construction or making of all or any objects or thing not a
96 portion of the permanent building. The term "employer," as used in this
97 Act, shall mean and include any person as herein defined, any trustee, lessee,
98 or receiver thereof, and the legal personal representative of a deceased em-
99 ployer if a natural person, who by himself or itself manages, operates or con-
100 trols any enterprise subject to this Act. The term "workman," as used in this
101 Act, shall mean and include every person who is engaged in any employment
102 to which this Act applies, whether by way of manual labor, supervision, con-
103 trol, direction or otherwise, and whether his agreement of employment is one
104 of service or apprenticeship or otherwise, and is expressed or implied, is oral
105 or is in writing. Any reference to a workman who has been injured shall,
106 whether the workman is dead, include a reference to his legal personal repre-

107 sentative or to his dependents or other person to whom compensation is pay-
 108 able. The term “dependents” as used in this Act shall mean and include wife,
 109 husband, parents—grandparents, or stepparents—natural or adopted children
 110 and grandchildren, step-children, or such members of the workman’s family as
 111 were wholly or in part dependent upon the earnings of the workman at the
 112 time of his death, and who but for the passage of this Act would have been
 113 entitled at law or by any act to sue the employer for damages in respect to the
 114 injury or of the death of the workman: *Provided*, that any claim for compen-
 115 sation shall not be deemed to have been personal and have died with the per-
 116 son entitled to maintain it.

Sec. 3. A workman employed in a factory which is a ship building or re-
 2 pairing yard shall not be excluded from the benefit of this Act by reason only
 3 that the accident arose outside of the yard in the course of his work upon a
 4 vessel in any dock, river, lake or any navigable water near the yard.

Sec. 4. This Act shall not apply to persons in the naval or military ser-
 2 vice of the State, but otherwise shall apply to any employment by or under
 3 the State or any county or municipality thereof to which this Act would apply
 4 if the employer were a private person as herein defined, and in respect of a
 5 municipality it shall be deemed to include every work done in, or on, or about
 6 any street, subway sewer, conduit, tunnel, dump, or any other municipal ac-
 7 tivity where the municipality, county, or district, is the employer or permits
 8 the work to be done by contract.

Sec. 5. The Commission of Compensation Awards may modify for the
 2 purpose of this Act the manner of payments made under section — of this
 3 Act, and notwithstanding anything in this Act may frame a scheme with a view
 4 to its being certified by the Commission of Insurance under this Act.

5 The term "commission," or "commissioners," or "commissioner" shall
6 mean Commission of Compensation Awards under this Act. The term "rules
7 of said commission," when used in relation to any matter referred to in this
8 Act, shall mean rules made by the authority of said commission having for the
9 time being all power to make rules or orders regulating practice and procedure
10 before the said commission and such rules and regulations, practices and pro-
11 cedures of this Act not inconsistent herewith.

Sec. 5. Any contract existing at the commencement of this Act whereby
2 workman relinquishes his right to compensation from the employer for per-
3 sonal injury arising out of and in the course of his employment, shall not, for
4 the purposes of this Act, be deemed to continue after the time at which the
5 workman's contract of service would determine if notice of the determination
6 thereof were given at the commencement of this Act.

Sec. 6. Where this Act repeals any other enactment, then unless the con-
2 trary intention appears the repeal shall not:

3 (a) Revive anything not in force or existing at the time at which the re-
4 peal takes effect; or,

5 (b) Affect the previous operation of any enactment so repealed; or,

6 (c) Affect any right, privilege, obligation, or liability acquired, accrued, or
7 incurred, under any enactment so repealed; or,

8 (d) Affect any penalty, forfeiture, or punishment incurred in respect of
9 any offense committed against any enactment so repealed; or,

10 (e) Affect any investigation, legal proceeding, or remedy in respect of any
11 such right, privilege, obligation, liability, penalty, forfeiture, or punishment as
12 aforesaid; and any such investigation, legal proceeding, or remedy may be in-
13 stituted, continued, or enforced, and any such penalty, forfeiture, or punish-
14 ment may be imposed as if the repealing Act had not been passed.

Sec. 7. Unless the contrary intention appears (1) words including masculine gender shall include females; (2) words in the singular shall include the plural, and words in the plural shall include words in the singular.

Sec. 8. The term "person," as used in this Act, shall mean and include either an individual or a body of persons, corporate or incorporate, and any voluntary association or partnership; and the term "company," "corporation" or "body," corporate or incorporate, shall be held to mean and include all corporations, companies, individuals or associations of individuals, exercising any power granted them by the State or by the United States, or any of them, to carry on any public franchise, either as lessees, trustees, holding company operating trustees, or as receivers of any of them, appointed by any court whatsoever, that may now or hereafter own, operate, manage or control any works or employment subject to this Act.

Sec. 9. The term "month," as used in this Act, or in any rule or regulation made by the commission, as said commission is defined in this Act, shall mean calendar month.

Sec. 10. No agreement or device to waive, compromise, alter, modify or abrogate any provision of this Compensation Act shall be enforceable, and any person claiming compensation shall not be barred by reason of having signed and delivered any such agreement, either before or after injury, and any agreement or device relating to the employment or re-engagement consequent to the injury of any employe subject to this Act, to waive any of the provisions of this Act, or to contract out from any of its provisions, or from any rule, regulation or order made by the Commission of Compensation Awards in relation thereto shall be void and unenforceable. That the foregoing words of this section shall be printed in large and conspicuous type on the face of each and every contract, muster roll or charter party for any work or

12 in any employment subject to the provisions of this Act, and shall be printed
13 in large and conspicuous type on every notice whatsoever sent from the office of
14 the Commission of Compensation Awards.

Sec. 11. The term "rules of court," as used hereinbefore when relating
2 to a court of this State, shall mean and include rules or regulations made by
3 the authority of a court having for the time being the power to make rules or
4 orders regulating the practice or procedure, either of such court in respect of
5 any matter committed to it by this Act, or aiding the Commission of Compensa-
6 tion Awards in enforcing this Act in respect of details not set forth herein.

Sec. 12. The Governor shall appoint by, and with the advice and con-
2 sent of the Senate, three Commissioners of Compensation Awards, who shall
3 have power to make and prescribe all necessary orders, rules and regulations
4 to carry into effect the provisions of this Act, and who may employ such
5 employes as are needed by them. The commission is hereby authorized to sus-
6 pend or modify its rules, regulations or orders upon such notice and in such
7 manner as it shall deem proper. Any employer or undertaker, or any officer,
8 representative or agent thereof, or any receiver, trustee, lessee or agent of
9 either of them, who knowingly fails or neglects to obey any order made by the
10 said commission under the provisions of this Act, shall forfeit to the State
11 the sum of five thousand dollars for each offense. Every distinct violation
12 shall be a separate offense, and in case of a continuing violation each day shall
13 be deemed a separate offense. The forfeiture provided in this Act shall be
14 payable into the treasury of the State, and shall be recoverable in a civil suit
15 in the name of the State brought in the county or district where the injury
16 occurred, or in any district through which the line or road of the common
17 carrier runs, or in which the vessel enters or clears, or in which it has its home
18 port, if in the same district.

Sec. 13. Such commissioners and such of their employes as are delegated
2 to act as arbitrators may administer oaths, issue subpoenas to enforce the pro-
3 visions of this Act, examine the books and papers of any person or corporation
4 under this Act. The commission may, in its discretion, prescribe the forms of
5 any and all accounts, records and memoranda to be kept by employers and
6 undertakers, as heretofore defined in this Act, and the receipts and expendi-
7 tures of moneys. The commission shall at all times have access to all accounts,
8 records and memoranda kept by employers and undertakers, as heretofore
9 defined in this Act; and it shall be unlawful for such employers and under-
10 takers, as heretofore defined in this Act, to keep any other accounts, records,
11 or memoranda than those prescribed or approved by the commission; and it
12 may employ arbitrators or examiners, who shall have authority under the or-
13 der of the commission to inspect and examine any and all accounts, records and
14 memoranda kept by such employers and undertakers, as heretofore defined in
15 this Act. This provision shall apply to receivers of employers and undertak-
16 ers, as heretofore defined in this Act, and operating trustees. Any person
17 who shall willfully make any false entry in the accounts of any book of ac-
18 counts or in any record or memoranda kept by an employer to whom this Act
19 applies, or who shall willfully destroy, mutilate, alter or by any other means
20 or device falsify the record of any such account, record or memoranda, or who
21 shall willfully neglect or fail to make full, true and correct entries in such ac-
22 counts, records or memoranda of all facts and transactions appertaining to
23 the carrier's business, or shall keep any other accounts, records or memoranda
24 than those prescribed or approved by the commission, shall be deemed guilty
25 of a misdemeanor and shall be subject, upon conviction in any court of compe-
26 tent jurisdiction, to a fine of not less than one thousand dollars nor more than
27 five thousand dollars, or imprisonment for a term of not less than one year
28 nor more than three years, or both such fine and imprisonment.

29 Any person who divulges any fact or information which may come to his
30 knowledge during the course of such examination, except in so far as he may
31 be directed by the commission, or by a court or judge thereof, shall be subject
32 upon conviction in any court of competent jurisdiction, to a fine of not more
33 than five thousand dollars, or imprisonment for a term not exceeding two years,
34 or both.

Sec. 14. The requirements of section 13 in respect of books and papers
2 of any person or corporation under this Act, shall not be deemed to require car-
3 riers subject to the Act to regulate commerce, as amended, or any Act supple-
4 mentary thereto or amendatory thereof, as set forth in an Act to regulate com-
5 merce, approved February 4, 1887, and in effect April 5, 1887 (24 Statutes at
6 Large, 379), as amended by an Act approved March 2, 1889 (25 Statutes at
7 Large, 855); by an Act approved February 10, 1891 (26 Statutes at Large, 743);
8 by an Act approved February 8, 1895 (28 Statutes at Large, 643); by an Act
9 approved June 29, 1906 (34 Statutes at Large, 584); by a joint resolution ap-
10 proved June 30, 1906 (34 Statutes at Large, 838), to have, compile or keep any
11 accounts, records and memoranda other than those prescribed or required by
12 the Interstate Commerce Commission in respect of interstate commerce: *Pro-*
13 *vided, nevertheless,* that this section shall not be deemed to excuse any com-
14 mon carriers subject to the said Acts of Congress, or any of them, as hereinbe-
15 fore recited, from permitting the Commission of Compensation Awards, or any
16 of their duly authorized employees, from having full and complete access to
17 said records, or any of them.

Sec. 15. This Act and the schedules annexed, may be cited and referred to
2 as the "Compensation Act of 1909."

3

SCHEDULES.

4

FIRST SCHEDULE.

5

Scale and Conditions of Compensation.

6

Scale.

7

(1) The amount of compensation under this Act shall be where death results from the injury—

9

If the workman leaves any dependents wholly dependent upon his earnings at the time of his death, a sum equal to 70 per cent of his earnings in the employment of the same employer, or of some like employer, during the three years next preceding the injury, or, the sum of \$10.00 per week as an annuity in favor of his dependents, whichever of those sums is the larger, but not exceeding in any case \$6,000, shall be paid by the employer: *Provided*, that the amount of any weekly payments made under this Act shall be deducted from any such sum, and if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be 156 times his average weekly earnings during the period of his actual employment under the said employer.

20

If the workman does not leave any such dependents, but leaves any dependents in part dependent upon his earnings at the time of his death, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration, under this Act, to be reasonable and proportionate to the injury to the said dependents, and if he leaves no dependents, the reasonable expenses of his medical attendance and clinical or hospital charges and burial, not exceeding one hundred dollars (\$100); where total or partial incapacity for work results from the injury, a weekly payment during the incapacity after the second week not exceeding fifty per cent of his average weekly earnings dur-

ing the previous twelve months, if he has been so long employed, but, if not, then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed fifteen dollars (\$15).

(2) In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average weekly earnings of the workman before the accident, and the average amount which he is able to earn after the accident, and to any payment not being wages which he may receive from the employer in respect of his injury during the period of his incapacity.

(3) Where a workman has given notice of an accident, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided for, and paid by, the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation shall be suspended until such examination takes place.

(4) The payment shall, in case of death, be made to the legal personal representative of the workman, or, if he has no legal personal representative, to or for the benefit of his dependents, or, if he leaves no dependents, to the person to whom the expenses of disbursements made on his behalf are due, and, if made to the legal personal representative, shall be made by him to or for the benefit of the dependents or other person entitled thereto under this Act.

(5) Any question as to who is a dependent, or as to the amount payable to each dependent, shall, in default of agreement, be settled by arbitration under this Act.

(6) The sum allotted as compensation to a dependent may be invested or otherwise applied for the benefit of the person entitled thereto, as agreed, or as ordered by the commission or other arbitrator.

(7) Any sum which is agreed upon or is ordered by the commission or arbitrator to be invested, shall be invested in funds which savings banks in this State are permitted to invest in by the clerk of the county court in his name as clerk in trust for the beneficiary.

59 (8) Any sum to be so invested shall be invested in the purchase of an an-
60 nuity certain, based on such periods of time as the commission may determine
61 by general rule, said annuity to be purchased in or through such insurance
62 companies as have maintained a general three or four per cent reserve for at
63 least twenty years or are generally known as old line companies, and the pro-
64 visions of any statute or regulations respecting the limits of deposits in
65 savings banks, and the declaration to be made by a depositor, shall not apply
66 to such sums.

67 (9) Any workman receiving weekly payments under this Act, shall, if so re-
68 quired by the employer, or by any person by whom the employer is entitled under
69 this Act to be indemnified, from time to time submit himself for examination by a
70 duly qualified medical practitioner, or is dissatisfied by the certificate of such
71 practitioner upon his condition when a copy thereof has been communicated
72 to him, he may submit himself for examination to one of the State medical ex-
73 aminers appointed for the purpose of this Act, as mentioned in the second
74 schedule of this Act, and the certificate of that medical practitioner as to the
75 condition of the workman at the time of his examination shall be given to the
76 employer and workman, and shall be conclusive evidence of that condition.
77 If the workman refuses to submit himself to such examination, or in any way
78 obstructs the same, his right to such weekly payments shall be suspended until
79 such examination has taken place.

80 (10) Any weekly payment may be reviewed at the request either of the
81 employer or of the workman, and on such review may be ended, diminished or
82 increased, subject to the maximum above provided, and the amount of pay-
83 ment shall, in default of agreement, be settled by arbitration under this Act.

84 (11) Where any weekly payment has been continued for not less than six
85 months, the liability therefor may, on the application by or on behalf of the
86 employer, be redeemed by the payment of a lump sum subject to the approval
87 of the commission to be settled, in default of agreement, by arbitration under

88 this Act, and such lump sum may be ordered by the commission or arbitrator to
89 be invested as above mentioned.

90 (12) A weekly payment, or sum paid by way of redemption thereof for
91 any annuity under this Act, shall not be capable of being assigned, charged or
92 attached, nor be subject to execution nor levy, and shall not pass to any other
93 person by operation of law, nor shall any claim may be set off against the
94 same, but shall be absolutely vested in the beneficiary and shall be exempt from
95 process of any court, save as provided in this Act.

96 SECOND SCHEDULE.

97 *Arbitration.*

98 The following provisions shall apply for settling any matter which under
99 this Act is to be settled by arbitration:

100 (1) If any committee, representative of any employer and his workmen,
101 exists with power to settle matters under this Act in the case of the employer
102 and workmen, the matter shall, unless either party objects, by notice in writing
103 served on, or sent by registered mail to the other party before the committee
104 meet to consider the matter, be settled by the arbitration of such committee,
105 or be referred by them in their discretion to arbitration as hereinbefore pro-
106 vided.

107 (2) If either party so objects, or there is no such committee, or the com-
108 mittee so refers the matter or fails to settle the matter within thirty days from
109 the date of the claim, the matter shall be settled by the Commission of Com-
110 pensation Awards under this Act, according to the procedure to be pre-
111 scribed by general rules of that commission. Said commission shall determine
112 all claims so submitted to them within sixty days after filing thereof. The
113 person aggrieved shall be represented by the Attorney General whose duty it is

114 hereby declared to be, to prosecute a mandamus or file a bill for a mandatory
115 injunction against the commission to enforce this Act.

116 (3) Any arbitrator appointed by the commission shall, for the purpose of
117 of this Act, have all the powers of a circuit judge in his circuit in respect of his
118 inquiry and his expenses, and shall be paid out of the appropriation for en-
119 forcing the provisions of this Act.

120 (4) The Supreme Court is hereby authorized and directed to make rules
121 of court to carry into effect this Act, and to provide for the appearance in any
122 arbitration under this Act of any party by some other person. The costs of and
123 incident to the arbitration and proceedings connected therewith shall be in the
124 discretion of the commission, or the commissioners. The costs, whether before
125 an arbitrator or before the commissioners shall not exceed the limit prescribed
126 by rules of court to be prescribed by the Supreme Court, and shall be taxed in
127 manner prescribed by those rules.

128 (5) In the case of the death or refusal or inability to act, of an arbitrator,
129 the commission may, on application of any party, appoint a new arbitrator.

130 (6) Where the amount of compensation under this Act shall have been
131 ascertained, or weekly payment varied, or any other matter decided under this
132 Act, either by the commission or by an arbitrator, or by agreement, a memo-
133 rum or decision thereof shall be sent, in the manner prescribed by the rules of
134 the commission, by the said committee or arbitrator, or by any party inter-
135 ested, to the county clerk of the county court for the district in which any per-
136 son entitled to such compensation resides or shall have been injured, who shall,
137 subject to such rules of the court on being satisfied of its genuineness, record
138 such memorandum or decision in a special docket without fee, and thereupon
139 the said memorandum or decision shall for all purposes be enforceable as a
140 county court judgment: *Provided*, that the county court judge may, at any time,
141 rectify such register in respect of clerical and technical entries by an order read
142 in open court.

143 . . . (7) Where any matter under this Act is to be done in a county court, or by.
144 to or before the judge of a county court, then, unless the contrary intention
145 appear, the same shall be subject to rules of court it be done in, or by, to or be-
146 fore the judge, the county court of the district in which all parties concerned
147 reside, or, if they reside in different counties, the county in which the accident
148 out of which the said matter arose occurred, without prejudice to any transfer
149 in manner provided to be by rules of court.

150 (8) The duty of a county court judge under this Act, or of an arbitrator
151 appointed by the commission, shall, subject to rules of court, be part of the
152 duties of the county court, and the officers of the court shall act accordingly, and
153 rules of court shall be made both for any purpose which this Act authorizes
154 rules of court to be made, and also generally for carrying into effect this Act
155 so far as it affects the county court, or an arbitrator appointed by the commis-
156 sion, and proceedings in the county court or before any arbitrator, and such
157 rules may, subject to the approval by the Supreme Court, be made by the judge
158 of the county court, and, when allowed or ratified by the Supreme Court, shall
159 have full effect as though set forth herein.

160 (9) No court fee shall be payable by any party in respect of any proceeding
161 under this Act in the county court prior to the award.

162 (10) Any sum awarded as compensation shall be paid on the receipt of
163 the person to whom it is payable under any agreement or award, and his attor-
164 ney shall not be entitled to recover from him, or to claim a lien on the said
165 sum, or deduct any amount for costs from the said sum awarded by the com-
166 mission according to a scale of fees to be fixed by general rules of said commis-
167 sion. An application may be made to the said attorneys, such sum to be
168 awarded subject to taxation and to the scale of costs to be prescribed by rules
169 of the commission.

170 (11) The Governor shall, by and with the consent of the Senate, appoint
171 qualified medical practitioners of at least six years general practice for the pur-

pose of this Act. and any commissioner, arbitrator, or judge, may, subject to regulations made by the State Treasurer, appoint any such practitioner to report on any matter which seems material to any question arising in the arbitration; and the expense of any such medical practitioner shall, subject to regulations to be prescribed by the State Treasurer, be paid out of moneys to be provided by the general appropriation for enforcing this Act.

1 Introduced by Mr. Lederer, Feb. 25, 1909.

2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act in relation to the payment of certain debts by prostitutes; prohibiting the payment of certain debts by labor of prostitutes, and providing for the punishment for the violation of its provisions.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Whoever shall hold, detain, restrain or attempt to
3 hold, detain, or restrain in any house of prostitution or other disorderly place
4 any female for the purpose of compelling such female, directly or indirectly, by
5 her voluntary or involuntary service or labor, to pay, liquidate or cancel any
6 debt, dues, or obligations incurred, or said to have been incurred, in such house
7 of prostitution or other disorderly place, shall be deemed guilty of a felony and
8 upon conviction thereof shall be imprisoned in the penitentiary not less than one
9 year nor more than ten years.

1 Introduced by Mr. Lederer, Feb. 25, 1909.

2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend an Act entitled, "In relation to pandering; to define and prohibit the same; to provide for the punishment thereof, for the competency of certain evidence at the trial therefor and providing what shall be a defense."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act in relation to pandering; to define and prohibit the same; to provide for the punishment thereof, for the competency of certain evidence at the trial therefor and providing what shall be a defense," be and the same is hereby amended by adding after section 1 of said Act, the following:

7 Sec. 1a. Any person mentioned in foregoing section, who shall know-
8 ingly accept or receive, in whole or in part, support or maintenance from
9 the proceeds or earnings of any woman or girl engaged in prostitution, shall
10 be deemed guilty of a felony, and, on conviction thereof, shall be confined in

11 the penitentiary not less than one year nor more than three years or fined not
12 exceeding one thousand dollars (\$1,000), or both, in the discretion of the court.

13 And that section 2 of said Act be and the same is hereby amended so as
14 to read as follows:

15 Sec. 2. Any such female referred to in section 1 and 1a of this Act shall
16 be a competent witness in any prosecution under this Act to testify to any and
17 all matters including conversations with the accused or by him with third per-
18 sons in her presence, notwithstanding her having married the accused either be-
19 fore or after the violation of any of the provisions of this Act.

- 1 Introduced by Mr. Murray, Feb. 25, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to make the findings of juries final in suits at common law.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in suits at common law, where the value in controversy shall exceed twenty dollars (\$20.00), the right of trial by jury shall be preserved; and no fact tried by a jury in a court of record shall be otherwise re-examined in any court of this State, and the findings of juries in any question of fact shall be final.

Sec. 2. All cases mentioned in section one (1) of this Act shall be reviewed by writ of error only. Such writ of error shall be sued out of the supreme court in all cases in which a franchise, a freehold, or the validity of a statute or the construction of the constitution is involved, and out of the Appellate Court in all other cases.

Sec. 3. All Acts or parts of Acts in conflict hereof are hereby repealed.

- 1 Introduced by Mr. Scanlan, Feb. 25, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to extend the jurisdiction of probate and county courts so as to include the complete administration of testate estates.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That original jurisdiction is hereby conferred upon
3 probate and county courts to supervise and control all testamentary trusts cre-
4 ated by original wills of deceased persons proved and admitted to probate in
5 such court. The jurisdiction hereby conferred shall include the appointments
6 and removals of trustees, the issuing of letters of trusteeship to such trustees,
7 the fixing and approving of their bonds and the settlement of their accounts;
8 and in regard thereto said court shall have and exercise full chancery powers.

Sec. 2. The practice in such matters of testamentary trusts in probate or
2 county courts as herein provided shall be as nearly as may be analagous to

3 that now existing in the probate and settlement of testate estates. The court
4 shall have power, in a summary manner, to require the filing of accounts of
5 testamentary trustees and to enforce all orders in relation thereto by citation
6 or attachment in the same manner as is now provided by law in case of exec-
7 utors and administrators.

Sec. 3. The supervision and control of testamentary trusts vested by this
2 Act in probate and county courts shall extend to and include the power in such
3 courts to order the sale of the real estate to which any testator had claim or
4 title, or such part thereof as may be necessary, for the payment of legacies
5 or other charges made thereon by the testator, and in cases where the court
6 shall find it necessary or expedient for the complete execution of the will of
7 the testator and the equitable distribution of his estate in accordance there-
8 with that such real estate or part thereof be sold. In exercise of this power
9 such courts shall proceed, as near as may be, in conformity with the procedure
10 established by law for the sale of real estate to pay debts in courts having
11 probate jurisdiction.

Sec. 4. All such sales of real estate shall be made, and conveyances exe-
2 cuted for the same, by the executor, administrator with the will annexed, or
3 testamentary trustee applying for such order, and shall be valid and effectual
4 against the heirs and devisees of such testator, and all other persons claim-
5 ing by, through or under him or them. In case of the death of the executor,
6 administrator with the will annexed or testamentary trustee applying for an
7 order of sale before conveyance is made, his successor shall proceed in the
8 premises and make conveyance in the same manner as if he had originally ap-
9 plied for such order, which conveyance shall be good and valid.

Sec. 5. The clerks of probate and county courts shall be entitled to take
2 fees as are now, or hereafter may be, authorized by law for like service in

3 the matter of the estates of deceased persons, but no docket fee shall be
4 charged against any estate so held in trust where the original estate, when pro-
5 bated, was charged and paid a docket fee as provided by law.

Sec. 6. Nothing in the Act contained shall be construed as repealing any
2 of the provisions of an Act entitled "An Act concerning land titles," ap-
3 proved and in force May 1, 1897, nor any of the provisions of an Act en-
4 titled "An Act concerning sections seven (7) and eighteen (18) of an Act
5 entitled 'An Act concerning land titles,' approved and in force May 1, 1897,"
6 approved May 18, 1903, and in force July 1, 1903.

- 1 Introduced by Mr. Shanahan, Feb. 25, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the Illinois Dairymen's Association.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of two thousand five hundred dollars
3 per annum for the years 1909 and 1910 be, and the same is hereby, appropri-
4 ated to the said Illinois Dairymen's Association in compiling, publishing and
5 distributing its reports, and other necessary expenses.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant upon the State Treasurer for the sum in this Act specified, on bills
3 of particulars certified to by the officials of said association to the order of the
4 president of said association, and the State Treasurer shall pay the same out
5 of any funds in the treasury not otherwise appropriated.

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- 1 Introduced by Mr. Shanahan, by request, Feb. 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the State Board of Agriculture and county
and other agricultural fairs.

- SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be, and is hereby appropriated to the
3 State Board of Agriculture the following sums to-wit:
- 4 For the encouragement of an exhibit at the State Fair, the sum of five
5 thousand dollars (\$5,000) per annum for the years 1909 and 1910.
- 6 For the salary of the secretary, the sum of three thousand dollars (\$3,000)
7 per annum for the years 1909 and 1910.
- 8 For traveling expenses of the members and officers of the board, the sum
9 of three thousand dollars (\$3,000) per annum for the years 1909 and 1910.
- 10 For clerk hire, the sum of thirty-six hundred dollars (\$3,600) per annum
11 for the years 1909 and 1910.

12 For receiving and shipping clerk, the sum of one thousand dollars (\$1,000)
13 per annum for the years 1909 and 1910.

14 For janitor, the sum of four hundred and twenty dollars (\$420.00) per an-
15 num for the years 1909 and 1910.

16 For the expenses of collecting, compiling and publishing live stock and
17 agricultural statistics, the sum of six hundred dollars (\$600) per annum for
18 the years 1909 and 1910.

19 For the agricultural library, the sum of two hundred dollars (\$200) per
20 annum for the years 1909 and 1910.

21 For office expenses, furniture, repairs, postage, expressage, etc., the sum of
22 twelve hundred dollars (\$1,200) per annum for the years 1909 and 1910.

23 For the maintenance, repairs and care of the Illinois State Fair grounds
24 and buildings thereon, the sum of seven thousand dollars (\$7,000) per annum
25 for the years 1909 and 1910.

Sec 2. That on the order of the president, countersigned by the secre-
2 tary of the State Board of Agriculture, and approved by the Governor, the
3 Auditor of Public Accounts shall draw his warrant upon the State Treasurer
4 in favor of the treasurer of the Illinois State Board of Agriculture for the sums
5 herein appropriated.

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- 1 Introduced by Mr. Shanahan, by request, Feb. 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriation for the State Board of Agriculture to be used in the construction of permanent buildings and improvements and for beautifying the State Fair grounds at Springfield, Ill.

- SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of two hundred and three thousand five hundred dollars (\$203,500), or so much thereof as may be necessary, out of the treasury not otherwise appropriated be, and the same is hereby, appropriated to the State Board of Agriculture for the construction of permanent buildings for the State Fair and for the improvement and beautifying of the State Fair grounds, viz:
- 8 For a hog and sheep pavilion, one hundred thousand dollars (\$100,000).
 - 9 For an administration building, fifty thousand dollars (\$50,000).
 - 10 For three horse barns, ten thousand dollars (\$10,000).

11 For improvement of the poultry building, three thousand five hundred dol-
12 lars (\$3,500).

13 For a viaduct, twenty thousand dollars (\$20,000).

14 For covered walks, twenty thousand dollars (\$20,000).

Sec. 2. That on the order of the president, countersigned by the secre-
2 tary, of the State Board of Agriculture, and approved by the Governor, the
3 Auditor of Public Accounts shall draw his warrant upon the State Treasurer
4 in favor of the treasurer of the Illinois State Board of Agriculture for the
5 sums herein appropriated: *Provided*, that all of said money shall be paid in
6 installments, from time to time, as the same shall be needed to pay for the
7 improvements authorized by this Act, and on vouchers to be approved by the
8 Governor.

- 1 Introduced by Mr. Chipperfield, March 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Penal and Reformatory Institutions, when appointed.

A BILL

For an Act to amend sections three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), fourteen (14), fifteen (15), and sixteen (16) of an Act entitled "An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry," approved May 11, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), fourteen (14), fifteen (15) and sixteen (16) of an Act entitled "An Act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry."

7 approved May 11, 1903, in force July 1, 1903, as amended by an Act approved
8 May 18, 1905, in force July 1, 1905, shall be, and the same are hereby amended so
9 as to read as follows:

10 Sec. 3. It shall be the duty of the Board of Prison Industries of Illinois to
11 attend to the disposition and distribution of all products of the skill and labor
12 of said convicts and prisoners. They shall particularly be charged with the
13 duty of seeing that, under no circumstances, shall any of the products of the
14 labor of said convicts or prisoners mentioned in this Act be sold upon the open
15 market, or in conflict with the provisions of this Act. They shall see that
16 the said products do not enter into conflict with any of the established indus-
17 tries of the State, except as hereinafter provided. It shall be their duty at
18 all times to inform themselves, so far as possible, of the industrial conditions
19 of the State of Illinois, and to see that the labor of said convicts and prisoners
20 does not enter into competition with the products of free labor, except as herein-
21 after provided.

22 Sec. 5. The Board of Prison Industries of Illinois, or the commissioners of
23 said penitentiaries, or either of them, or the board of managers of said reforma-
24 tory, shall not, nor shall any other authority whatsoever, make any contract by
25 which the labor of time of any prisoner or convict in any penitentiary or reforma-
26 tory of this State, or the product or profit of his work shall be contracted, let
27 farmed out, given or sold, to any person, firm, association, or corporation, ex-
28 cept that the said prisoners or convicts in said penal or reformatory institu-
29 tion may work for and the products of their labor may be disposed of to the
30 State, *or any political division thereof*, or for or to any public institution owned
31 or managed and controlled by the State, *or any political division thereof*, and
32 the term "*any political division thereof*," wherever the same may be found in
33 this Act, shall be held and construed by any court to include all school districts
34 within the State of Illinois.

35 Sec. 6. The wardens, superintendents, managers and officials of all re-
 36 formatories and penitentiaries in the State shall, so far as practicable, cause
 37 all the prisoners in said institutions who are physically capable thereof, to be
 38 employed at useful labor not to exceed eight hours of each day, other than
 39 Sundays and public holidays, but such useful labor shall be either for the pur-
 40 pose of production of supplies for said institutions, or for the State, *or any po-*
 41 *litical division thereof*, or for any public institution owned or managed and
 42 controlled by the State, *or any political division thereof*; or for the purpose of
 43 industrial training and instruction, or for the making of crushed rock for road
 44 material, and for the improvement of public grounds owned by the State, or
 45 use in and upon public buildings owned by the State, or for agricultural pur-
 46 suits for the support of the inmates of the State institutions, or partly for one
 47 and partly for the other of such purposes, or a combination of all of said in-
 48 dustries and employments: *Provided, however*, that it shall be the policy of the
 49 State to use in such industries no more machinery or motive power, other than
 50 hand and foot power, than may be required to successfully carry this Act into
 51 effect: *And, provided, further*, that the board of managers of the said Illinois
 52 State Reformatory at Pontiac, may use all or any part of the eight hours pro-
 53 vided herein for the labor of the convicts, in the giving of useful instruction to
 54 the inmates of said reformatory.

55 Sec. 7. The labor of the prisoners of the first grade in each of said peni-
 56 tentiaries and reformatories shall be directed with reference to fitting the
 57 prisoner to maintain himself by honest industry after his discharge from im-
 58 prisonment as a primary or sole object of such labor, and such prisoners of the
 59 first grade may be so employed at hard labor for industrial training and in-
 60 struction, even though no useful or salable products result from their labor, but
 61 only in case such industrial training or instruction can be more effectively
 62 given in such manner. Otherwise, and so far as consistent with the primary
 63 object of the labor of prisoners of the first grade as aforesaid, the labor of such

64 prisoners shall be so directed as to produce the greatest amount of useful pro-
 65 ducts, articles and supplies needed and used in the said institutions, and in the
 66 buildings and offices of the State, *or those of any political division thereof*, or in
 67 any public institutions owned and managed and controlled by the State, *or*
 68 *any political division thereof*, or said labor may be for the State, *or any politi-*
 69 *cal division thereof*.

70 Sec. 8. The labor of prisoners of the second grade in said penitentiaries
 71 and reformatories shall be directed, primarily, to labor for the State, *or any po-*
 72 *litical division thereof*, or to the production or manufacture of useful articles
 73 and supplies for said institutions, or for any public institutions owned or man-
 74 aged and controlled by the State, *or any political division thereof*.

75 Sec. 9. The labor of prisoners of the third grade in said penitentiaries and
 76 reformatories shall be directed to such exercise as shall tend to the preservation
 77 of health, or they shall be employed in labor for the State, *or any political*
 78 *division thereof*, or in the manufacture of such articles and supplies as are
 79 needed and used in the said institutions, and in the public institutions owned or
 80 managed and controlled by the State, *or any political division thereof*.

81 Sec. 10. All convicts sentenced to the State penitentiaries and reforma-
 82 tories in this State shall be employed for the State, *or any political division there-*
 83 *of*, or in productive industries for the benefit of the State, *or any political di-*
 84 *vision thereof*, or for the use of public institutions owned or managed and con-
 85 trolled by the State, *or any political division thereof*, which shall be under rules
 86 and regulations for the distribution and diversification thereof, to be estab-
 87 lished by the Board of Prison Industries of Illinois.

88 Sec. 11. The labor of convicts in penitentiaries and reformatories in this
 89 State, after the necessary labor for the manufacture of all needed supplies for
 90 said institutions, shall be primarily devoted to the State, and the public institu-
 91 tions and buildings thereof, and the manufacture of supplies for the State, and

92 the public institutions thereof, and secondly, *to the political divisions of the*
93 *State.*

94 Sec. 12. *All crushed rock or other manufactured road material created by*
95 *the labor of such convicts or prisoners shall be furnished free at such peniten-*
96 *tiary or reformatory institutions, to the various governing bodies of the various*
97 *political divisions of the State of Illinois, in the order of application made*
98 *therefor, and in such quantities as may be proportionately due for such political*
99 *sub-division, considering the amount of such material made and on hand; but*
100 *upon the express agreement that such material shall, within one year, be placed*
101 *in a permanent public roadway, or a public building or upon public grounds.*

102 Sec. 14. The Board of Prison Industries of Illinois, and the superinten-
103 dents of reformatories and wardens of penitentiaries respectively, are author-
104 ized and directed to cause to be manufactured by the convicts in the peniten-
105 tiaries and reformatories, such articles as are needed, and used therein, and
106 also such are required by the State, *or any political division thereof*, and in
107 the buildings, offices and public institutions owned or managed and controlled
108 by the State, including articles and materials to be used in the erection of the
109 buildings. All such articles manufactured in the penitentiaries and reforma-
110 tories, and not required for use therein, may be furnished to the State, *or to any*
111 *political division thereof*, at, and for such prices as shall be fixed and determined
112 as hereinafter provided, upon the requisitions of the proper official, trustees
113 or managers thereof. No articles so manufactured shall be purchased from
114 any other source, for the State or public institutions of the State, *or any po-*
115 *litical division thereof*, unless said Board of Prison Industries of Illinois shall
116 certify that the same can not be furnished upon such requisition, and no claim
117 therefor shall be audited or paid without such certificate.

118 Sec. 15. On or before October first, *in each year*, the proper officials in the
119 State, *and the political divisions thereof*, and of the institutions of the State, or
120 political divisions thereof,* shall report to the said Board of Prison Industries

121 of Illinois, estimates for the ensuing year, of the amount of supplies of different
122 kinds required to be purchased by them that can be furnished by the penal in-
123 stitutions of the State. The said Board of Prison Industries of Illinois is au-
124 thorized to make regulations for said reports, to provide for the manner in
125 which requisitions shall be made for supplies, and to provide for the proper di-
126 versification of the industries of said penal institutions.

127 Sec. 16. The president of the Board of Prison Industries of Illinois, the presi-
128 dent of the State Board of Public Charities, and the Auditor of Public Accounts
129 of Illinois are hereby constituted a board to be known as the Board of Classifica-
130 tion. Said board shall fix and determine the prices at which all labor performed
131 and all articles manufactured and furnished to the State, *or any political division*
132 *thereof*, or to the public institutions thereof, shall be furnished, which prices shall
133 be uniform to all. The price shall be as near the usual market price for such
134 labor and supplies as possible. The State Board of Prison Industries shall
135 devise and furnish to all such institutions a proper form for such requisitions,
136 and the Auditor of Public Accounts shall devise and furnish a proper system of
137 accounts, to be kept for all such transactions. So far as practicable, all sup-
138 plies used in such buildings, offices and public institutions shall be uniform for
139 each class, and of the styles, patterns, designs and qualities that can be manu-
140 factured in the penal and reformatory institutions of this State.

- 1 Introduced by Mr. Dillon, March 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend the law in relation to marriage licenses.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That persons intending to be joined in marriage
3 shall, before their marriage, obtain a license from the county clerk of the
4 county in which such marriage is to take place, anything in any general or
5 special law of this State to the contrary notwithstanding. For the purpose
6 of ascertaining the age of the parties and the legality of the contemplated
7 marriage, the county clerk shall, before issuing such license, obtain affidavits of
8 both of the parties to the contemplated marriage; and among other things to
9 be stated in said affidavits, the said affiant shall state whether he or she respec-
10 tively, has ever been divorced; and, if yea, on what day, in what year, and at
11 what place, and in what court such divorce decree was entered; and if such
12 divorce decree shall have been entered within one year of the time when such
13 license is so applied for, then such affidavit, or affidavits, shall further state

14 whether or not the other party to the said divorce is then still living. If,
15 however, such divorce shall have been granted for adultery committed by the
16 person or persons so applying for such license, then his, her or their affidavit
17 or affidavits shall so state; and in such case, if such decree shall have been
18 entered within two years of the time when such license is applied for, the
19 affidavit of any applicant so theretofore adjudged guilty of adultery, shall
20 further state whether or not the other party to such decree is still living. And
21 said county clerk may, if he deems proper, obtain the affidavits of any other
22 person or persons in regard to any of the foregoing matters. If any person
23 making any such affidavit shall wilfully and knowingly swear falsely therein as
24 to any material matter therein contained, and if the county clerk is thereby
25 induced to issue a marriage license purporting to permit any person or per-
26 sons to be joined in marriage who then is or are legally incapable, or who,
27 at the time of the issue of such license, has or have no right under the laws
28 of this State to be joined in marriage, the person or persons so offending shall
29 be punished by a fine of not less than five hundred dollars (\$500.00) nor
30 more than one thousand dollars (\$1,000.00), or by imprisonment in the county
31 jail for not more than one (1) year, or by both such fine and imprisonment.
32 Such affidavits may be made before any officer in said county authorized to
33 administer an oath, and need not be made in the presence of the county clerk.
34 But all such affidavits shall be filed with said county clerk for preservation.
35 To each license when issued the clerk shall attach a certified copy of the affi-
36 davits of the parties to such proposed marriage.

Sec. 2. All laws inconsistent herewith are hereby repealed.

2 WHEREAS, An emergency exists, therefore this Act shall take effect and
3 be in force from and after its passage.

- 1 Introduced by Mr. Donahue, March 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to provide when recorded instruments shall cease to be notice of lien to
purchasers for value.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever it shall appear from the records that
3 the statute limitations shall have run against the commencement of a suit to
4 enforce any instrument creating a lien on any property in the State, such in-
5 strument shall cease to be a lien at the end of the statutory period, and any
6 *bona fide* purchaser of such property shall acquire such property free of any
7 such lien.

Sec. 2. The commencement of any suit to foreclose such lien shall be suffi-
2 cient notice of the continuance of such lien and all instruments which will be
3 barred by the statute limitations within one year after this Act goes into effect,
4 such persons having any rights under such instruments may foreclose such lien
5 within one year after this Act goes into effect.

-
- 1 Introduced by Mr. Kleeman, March 2, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

For an Act to amend section 42 of article III of an Act entitled “An Act to establish and maintain a system of free schools,” approved May 21, 1889, and in force May 21, 1889; as amended by an Act approved May 11, 1901, and in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 42 of article III of an Act entitled “An Act to establish and maintain a system of free schools,” approved May 21, 1889, and in force May 21, 1889; as amended by an Act approved May 11, 1901, and in force July 1, 1901, be, and the same is hereby, amended so as to read as follows:

Sec. 42. Two or more adjoining townships, or two or more adjoining school districts, whether in the same or different townships, may, upon like petition as required for township high schools, signed by at least fifty (50)

10 legal voters in each of said townships or school districts, and where any such
11 school district contains less than 150 voters, then such petition shall be signed
12 by at least one-third of the legal voters of such district, and upon an affirma-
13 tive vote in each of such townships or districts, at an election held pursuant to
14 the provisions of section 38 of this Act, establish and maintain, in the same
15 manner as in this Act it is provided for township high schools, a high school
16 for the benefit of the inhabitants of the territory described in such petition.
17 And the inhabitants of any territory composed of parts of adjoining townships
18 who are now maintaining a high school and who have elected a board of edu-
19 cation, may create such territory a high school district, by a petition of fifty
20 (50) legal voters of such district and by an affirmative vote in such district,
21 and may elect a board of education therefor as in other high school districts.
22 All such high schools may be discontinued in the same manner as township
23 high schools: *Provided*, that any school district having a population of at
24 least two thousand (2,000) inhabitants may, in the same manner as herein pro-
25 vided for establishing and maintaining a township high school, establish and
26 maintain a high school for the benefit of the inhabitants of such school dis-
27 trict, and elect a board of education therefor with the same powers hereby con-
28 ferred on township boards of education. *Such district, when so organized for*
29 *high school purposes, shall constitute a high school district for high school pur-*
30 *poses distinct and separate from the common school district having the same*
31 *boundaries, and the high school board of education of such high school district*
32 *shall have the same power to levy taxes and establish and maintain high schools*
33 *as township boards of education established under this Act possess, and such*
34 *taxes shall be in addition to the taxes authorized to be levied by section 202,*
35 *article VIII of "An Act to establish and maintain a system of free schools,"*
36 *approved and in force May 21, 1889, as amended. All districts which have here-*
37 *tofore organized under this section, elected a high school board of education,*
38 *and are maintaining a high school, shall be regarded as high school districts dis-*

39 *tinct and separate from the common school district having the same bound-*
40 *aries and shall have the same power of taxation herein granted.*

41 *Any high school district organized under any provision of this Act shall*
42 *have the right to annex territory to such district under the provisions of "An*
43 *Act to provide for the annexation for township high school purposes, of any*
44 *school township, or part of such township, not having an established high school*
45 *to any adjacent school township having an established township high school,"*
46 *approved April 22, 1907, in force July 1, 1907, in the same manner and to the*
47 *same extent that a school township having an established township high school*
48 *may do.*

49 *All attempted high school districts in which the inhabitants are maintain-*
50 *ing a high school and have in good faith elected a board of education substan-*
51 *tially as herein required are hereby declared to be valid and lawful high school*
52 *districts, and the board of education elected therefor legal boards of education.*

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- 1 Introduced by Mr. Lewis, March 2, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Insurance, when appointed.

A BILL

For an Act to amend section 8 of an Act entitled “An Act to revise the law in relation to township insurance companies,” approved March 24, 1874; in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eight (8) of an Act entitled “An Act to revise the law in relation to township insurance companies,” approved March 24, 1874; in force July 1, 1874, be, and the same is hereby, amended to read as follows:

Such companies may issue policies only on detached dwellings, barns, (except livery, boarding and hotel barns) and other farm buildings, school houses and churches, and such property as may be properly contained therein, also other property on the premises and owned by the insured, also live stock, (hay and grain in the stack) on the premises of the insured and anywhere in the

11 territory of the company, for any time not exceeding five years and not to
12 extend beyond the limited duration of the charter, and for an amount not to
13 exceed six thousand dollars on any one risk; said policies may cover loss of,
14 or damage to, live stock, harness and vehicles, temporarily taken from the ter-
15 ritory of the company, provided said live stock, harness and vehicles be not
16 removed to exceed twenty-five miles from the territory of the company. All
17 persons so insured shall give their obligations to the company, binding them-
18 selves, their heirs and assigns, to pay their pro rata share to the company
19 of the necessary expenses, and of all losses by fire or lightning which may be
20 sustained by any member thereof during the time for which their respective
21 policies are written, and they shall also, at the time of effecting the insurance,
22 pay such percentage in cash and such other charge as may be required by the
23 rules and by-laws of the company.

- 1 Introduced by Mr. William Murphy, March 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend an Act entitled "An Act making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved May 13, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one (1) and two (2) of the Act entitled "An Act making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved May 13, 1903, be, and the same are hereby, amended, and that said Act be and it is hereby further amended by adding thereto two additional sections to be known as sections three (3) and four (4). and that section three (3) of said Act shall

9 hereafter be known as section five (5), which said sections as amended and said
10 additional sections shall read as follows:

11 Sec. 1. That every person who shall, without just cause, desert or will-
12 fully neglect or refuse to provide for the support and maintenance of his wife
13 in destitute or necessitous circumstances, or any person who shall, without just
14 excuse, desert or willfully neglect or refuse to provide for the support and
15 maintenance of his or her minor children under the age of 16 years in desti-
16 tute or necessitous circumstances, shall be deemed guilty of a misdemeanor,
17 and on conviction thereof shall be punished by a fine of not more than five
18 hundred dollars or by imprisonment in the house of correction or workhouse
19 at hard labor for not more than twelve months, or by both such fine and im-
20 prisonment; and should a fine be imposed it may be directed by the court to
21 be paid in whole or in part to the wife or to the guardian or custodian of the
22 minor child or children: *Provided*, that before the trial, with the consent of
23 the defendant, or after conviction, instead of imposing the punishment herein-
24 before provided, or in addition thereto, the court, in its discretion, having re-
25 gard to the circumstances and to the financial ability or earning capacity of
26 the defendant, shall have the power to make an order, which shall be subject to
27 change by it from time to time as circumstances may require, directing the de-
28 fendant to pay a certain sum weekly for the space of one year to the wife, or
29 to the guardian or custodian of the minor child or children, or to an organiza-
30 tion or individual approved by the court as trustee, and to release the defend-
31 ant from custody on probation for the space of one year upon his or her enter-
32 ing into a recognizance, with or without sureties, in such sum as the court may
33 direct. The condition of the recognizance shall be such that if the defendant
34 shall make his or her personal appearance in court whenever ordered to do so
35 within the year, and shall further comply with the terms of the order and of
36 any subsequent modification thereof, then the recognizance shall be void, other-
37 wise of full force and effect.

38 If the court be satisfied by information and due proof, under oath, that at
39 any time during the year the defendant has violated the terms of such order,
40 it may forthwith proceed with the trial of the defendant under the original
41 charge, or sentence him under the original conviction, or enforce the original
42 sentence, as the case may be. In case of forfeiture of a recognizance and en-
43 forcement thereof by execution, the sum recovered may, in the discretion of the
44 court, be paid in whole or in part to the wife, or to the guardian or custodian
45 of the minor child or children.

Sec. 2. That no other evidence shall be required to prove marriage of such
2 husband and wife, or that such person is the lawful father or mother of such
3 child or children, than is or shall be required to prove such facts in a civil action.
4 In all prosecutions under this Act any existing provisions of law prohibiting
5 the disclosure of confidential communications between husband and wife, shall
6 not apply, and both husband and wife shall be competent and compellable wit-
7 nesses to testify to any and all relevant matters, including the facts of such
8 marriage and the parentage of such child or children. Proof of the desertion of
9 such wife, child or children in destitute or necessitous circumstances, or of neg-
10 lect to furnish such wife, child or children necessary and proper food, clothing
11 or shelter is *prima facie* evidence that such desertion or neglect is wilful.

Sec. 3. That it shall be the duty of the superintendent in charge of the
2 house of correction or workhouse in which any person is confined on account of a
3 sentence under this law, to pay, out of any funds available, over to the wife, or
4 to the guardian or custodian of his or her minor child or children, or to an og-
5 ganization or individual approved by the court as trustee, at the end of each
6 week, for the support of such wife, child, or children, a sum equal to fifty cents
7 for each day's hard labor performed by said person so confined.

Sec. 4. That the county board of each and every county in the State shall
2 in their annual appropriation bill set apart a sufficient fund and make provision
3 for the payment of the moneys as provided for in section three (3) of this Act.

Sec. 5. All Acts and portions thereof in conflict herewith are hereby re-
2 pealed.

1 Introduced by Mr. Shanahan, by request, March 2, 1909.

2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to provide for a commission to inquire into the subject of taxation for State and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That within twenty days after this Act takes effect,
3 there shall be appointed by the Governor a special tax commission of seven com-
4 petent persons, whose duty it shall be to inquire into the subject of assessment
5 and taxation for State and local purposes, the operation and effect of the laws
6 relating thereto, and the expediency of revising and amending such laws so as
7 to establish a more equal and just system of raising necessary public revenues,
8 and to report as hereinafter provided.
9 The members of the commission shall not receive a salary, but each shall be
10 entitled to his actual and necessary expenses incurred in the performance of his

11 duties under the provisions of this Act, to be paid by the State Treasurer on the
12 audit and warrant of the State Auditor, certified to by the Governor. The said
13 commission shall meet for organization as soon as may be at a time and place
14 to be fixed by the Governor, at which time and place they shall elect one of
15 their number president and one secretary of said commission. In case of a va-
16 cancy in said commission occurring by death, removal, resignation or otherwise,
17 the same may be filled by appointment by the Governor of the State.

Sec. 2. Said commission is hereby authorized and empowered to employ coun-
2 sel, experts, stenographers, clerks and such other employes as may be necessary
3 for the purpose of their investigation and report.

Sec. 3. The duties of said commission shall be as follows: First, they shall
2 make a careful and complete compilation of all laws bearing upon the subject
3 of taxation now in force in the State of Illinois and the decisions of the Supreme
4 Court of said State relating to said laws; second, they shall procure, classify,
5 and arrange in convenient tabular form full and pertinent statistics showing as
6 far as practicable the amount raised by taxation in each county and municipality
7 in the State, and the rates adopted, the proportion between the true and the as-
8 sessed valuation, and such other information in reference to the practical opera-
9 tion of the present system of taxation in this State as they may deem import-
10 ant and essential. It shall be the duty of all county and municipal officers in this
11 State to furnish the commission with such information as they may require of
12 them; third, they shall thoroughly investigate all complaints which may be
13 made to them of illegal, unjust or excessive taxation and shall endeavor to ascer-
14 tain to what extent and in what manner, if at all, the present system is defec-
15 tive, unequal and oppressive; fourth, they shall avail themselves of all informa-
16 tion afforded by the reports of tax commissions of other states, and shall in-
17 quire into the system of such county, and municipal taxation in force in other
18 states, especially those in which new methods of taxation have been intro-

19 duced, with a view to ascertaining what changes, if any, in the tax laws of this
20 State are expedient and desirable; fifth, they shall embody the result of their
21 investigation in a report which shall be as plain, concise and comprehensive as
22 possible. Such report shall be prepared in proper form for publication, with
23 full index, and shall be transmitted to the Governor on or before January 15,
24 1911. Said commission shall also draft and file with the Governor revenue bills
25 embodying its recommendations, and he shall transmit the same to the General
26 Assembly for their action thereon.

Sec. 4. The sum of twenty-five thousand dollars, or so much thereof as may be
2 necessary, is hereby appropriated out of any moneys in the State treasury not
3 otherwise appropriated, to be paid in such manner, and in such sums, and at
4 such times, as the Governor may certify to the Auditor, who shall draw war-
5 rants on the Treasurer for the same.

AMENDMENT TO

46th Assem.

HOUSE—No. 205

May 1909

Reported from Committee on Appropriations, May 12, 1909.

AMENDMENT NO. 1.

Amend by striking out of section 4, line 1 of the printed bill the words “twenty-five” and inserting in lieu thereof the word “fifteen.”

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1. Introduced by Mr. H. A. Shephard. March 2, 1909.
2. Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to amend section 60 of an Act entitled “An Act in regard to the administration of estates,” approved April 1, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 60 of an Act entitled “An Act in regard to the administration of estates,” approved April 1, 1872, in force July 1, 1872, be, and the same is hereby, amended so as to read as follows:

5 Sec. 60. Every administrator or executor shall fix upon a term of the
6 court, within six months from the time of his being qualified as such admin-
7 istrator or executor, for the adjustment of all claims against such decedent,
8 and shall publish a notice thereof for three successive weeks in some public
9 newspaper published in the county, or if no newspaper is published in the
10 county, then by putting up a written or printed notice on the door of the
11 court house, and in ten other of the most public places in the county, notify-

ing and requesting all persons having claims against such estate, to attend at said term of court for the purpose of having the same adjusted, (the first publication of said notice to be given at least six weeks previous to said term), when and where such claimant shall produce his claim in writing; and if no objection is made to said claim by the executor, administrator, widow, heirs, or others interested in said estate, and the claimant swears that such claim is just and unpaid, after allowing all just credits, the court may allow such claim without further evidence, but if objection is made to such claim the same shall not be allowed without other sufficient evidence. The court may allow either party further time to produce evidence in his favor, and the case shall be tried and determined as other suits at law. Either party may demand a jury of either six or twelve men to try the issue, and it shall be the duty of the county clerk, when a jury is demanded, to issue a venire to the sheriff of the county to summon a jury to be composed of the number demanded.

1 Introduced by Mr. Tippit, March 2, 1909.

2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to amend an Act entitled "An Act in relation to bookmaking and pool
selling."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 137e of "An Act to revise the law in
3 relation to criminal jurisprudence," approved March 27, 1874, in force July 1,
4 1874, and amended by an Act approved May 31, 1887, in force July 1, 1887, be
5 amended to read as follows:

6 That any person who keeps any room, shed, tenement, tent, booth, or
7 building, or any part thereof, or who occupies any place upon any public or
8 private grounds within this State with any book, instrument or device for the
9 purpose of recording or registering bets, or wagers, or of selling pools, or
10 any person who records or registers bets or wagers, or sells pools upon the
11 result of any trial or contest of skill, speed or power of endurance of man
12 or beast, or upon the result of any political nomination, appointment or elec-

tion; or being the owner, lessee or occupant of any room, shed, tenement, tent,
booth, or building, or part thereof, knowingly permits the same to be used or
occupied for any of these purposes, or therein keeps, exhibits or employs any
device or apparatus for the purpose of recording or registering such bets or
wagers, or selling of such pools, or becomes the custodian or depository for
hire or privilege, of any money, property, or thing of value staked, wagered
or pledged upon any such result, shall be punishable by imprisonment in the
State penitentiary for a period not less than one year nor more than five years
and by a fine not less than \$300 nor more than \$500.

- 1 Introduced by Mr. Shanahan, by request, March 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the ordinary expenses of the Commission
on Uniform State Laws.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be, and is hereby, appropriated for the
3 purpose of defraying the ordinary expenses of the Commission on Uniform
4 State Laws the sum of three thousand (\$3,000.00) dollars.

Sec. 2. The money herein appropriated shall be due and payable to the
2 commission on the order of its president and secretary, in sums not exceeding
3 fifteen hundred (\$1,500.00) dollars per annum.

Sec. 3. That on the order of the president, countersigned by the secre-
2 tary of the Commission on Uniform State Laws, and approved by the Gov-
3 ernor, the Auditor of Public Accounts shall draw his warrant upon the Treas-

4 urer in favor of the secretary of the Commission on Uniform State Laws for
5 the sum herein appropriated, and that the said commission shall make bien-
6 nial report to the Governor of all such appropriation received and disbursed
7 by it.

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- 1 Introduced by Mr. Abrahams, March 3, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Courts,
when appointed.

A BILL

For an Act to amend sections fifty-seven (57) and fifty-eight (58) of an Act entitled,
“An Act in relation to a municipal court in the city of Chicago,” approved May
18, 1905, in force ; as amended by an Act approved June 3, 1907, in
force

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections fifty-seven (57) and fifty-eight (58)
3 of an Act entitled, “An Act in relation to a municipal court in the city of Chi-
4 cago,” approved May 18, 1905, in force ; as amended by an Act
5 approved June 3, 1907, in force , be, and the same are hereby
6 amended so as to read as follows:

7 Sec 57. That the costs in criminal cases and in quasi criminal cases and
8 proceedings in the municipal court instituted in the name or by the authority of

9 the People or in the name of any State or county officer in his official capacity,
 10 and the costs in cases of the sixth class, to-wit, proceedings for the prevention
 11 of the commission of crimes, proceedings for the arrest, examination, commit-
 12 ment and bail of persons charged with criminal offenses, proceedings pertain-
 13 ing to searches and seizures of personal property, by means of search warrants,
 14 and in bastardy cases, shall be as follows:

15 *First*—The clerk's fees in full for all services rendered by him, other than
 16 the making or furnishing of transcripts of records, shall be the sum of six dol-
 17 lars (\$6.00) in all cases other than proceedings for the arrest, examination, com-
 18 mitment and bail of persons charged with criminal offenses, in which last
 19 mentioned proceedings the clerk's fees shall be the sum of fifteen dollars
 20 (\$15.00). *Provided, however, that in all criminal and quasi criminal cases,*
 21 *punishable by a fine only, where a trial by jury is waived and where upon a*
 22 *finding of guilty, the court shall assess a fine of twenty-five dollars (\$25.00) or*
 23 *less, the clerk's fees in full for all services rendered by him in such cases shall*
 24 *be the sum of one dollar (\$1.00).*

25 *Second*—The bailiff's fees shall be the same as those which may now or
 26 hereafter be fixed by law for the sheriff in counties of the third class for similar
 27 services: *Provided, that no charge shall be made for mileage in the service of*
 28 *any writ, and provided further, that in all such cases where the person or per-*
 29 *sons against whom a warrant shall issue, shall voluntarily appear in court be-*
 30 *fore or at the time set for the hearing thereof, and defend the same, and a find-*
 31 *ing of guilty is made, no bailiff's fee or fees shall be tared or colle ted as part*
 32 *of the costs.*

33 *Third*—The clerk's fees for the making and certifying of the transcript of a
 34 record, or of any part thereof, shall be the same as those required by law, from
 35 time to time; to be paid to the clerk of the criminal court of Cook county for
 36 similar services.

37 *Fourth*—The fees and mileage of witnesses shall be the same as those al-
38 lowed by law, from time to time, to witnesses in cases in the criminal court of
39 Cook county.

40 No advance costs of any kind or character shall be required to be paid in
41 any such criminal or quasi criminal case, but in case of final judgment being
42 entered against the defendant, all the costs of the suit made, in the discretion
43 of the court, be awarded against him and collected by execution or otherwise,
44 as the court may direct. In cases of the sixth class no costs shall be required
45 to be paid in advance. In proceedings for the prevention of the commission of
46 crimes, when the complaint is not sustained and the court is of the opinion
47 that the prosecution was commenced maliciously without probable cause, judg-
48 ment may be given against the complainant for the costs of prosecution, but
49 when the person complained of is required to give security to keep the peace
50 or for his good behavior the court may order that the costs of the prosecution
51 or any part thereof, shall be paid by such person, who shall stand committed
52 until the costs are paid or he is otherwise legally discharged. In proceedings
53 for the arrest, examination, commitment and bail of persons charged with crimi-
54 nal offenses, where the court finds that an offense has been committed and
55 that there is probable ground to believe the defendant guilty, the clerk shall
56 certify the amount of the costs to the criminal court of Cook county, where
57 in case of the defendant's indictment and conviction, the same shall be taxed
58 against him as a part of the costs in the cause in which he is so convicted. In
59 proceedings pertaining to searches and seizures of personal property by means
60 of search warrants, the court may, if it appears that there was no probable
61 cause for suing out the warrant, tax the costs against the complainant and
62 award execution against him therefor. In bastardy cases, in case judgment is
63 rendered against the defendant the costs shall be taxed against him as a part
64 of the costs in such cause, but in case he is acquitted of the charge the costs
65 may be taxed against the complaining witness: *Provided*, that in taxing costs

66 in any criminal or quasi criminal case no fee for the issuance of a warrant
67 shall be included.

68 All moneys collected upon judgments of the municipal court in the criminal
69 and quasi criminal cases provided for in this section shall be paid to the
70 clerk, who shall, at the end of every three months, apply the same, or so much
71 thereof as may be necessary, to the payment of the uncollected costs, witness
72 fees and mileage excepted, in criminal cases, quasi criminal cases instituted
73 in the municipal court in the name of the people, or in the name of any state
74 or county officer in his official capacity, and also the uncollected costs, witness
75 fees and mileage excepted in the cases of the sixth class, and pay over the bal-
76 ance, if any, to the officer entitled by law to receive the same.

77 Sec. 58. That the costs in quasi criminal cases in the municipal court in-
78 stituted in the name of the city of Chicago, or in the name of any officer
79 thereof in his official capacity, or in the name of any municipal corporation
80 or any board of public park commissioners, situated in whole or in part with-
81 in the city of Chicago, shall be as follows:

82 *First*—The clerk's fees in full for all services rendered by him shall be
83 the sum of six dollars (\$6.00): *Provided, however,* that the court may, in its
84 discretion, order that any part or the whole of the costs in any criminal or
85 quasi criminal case be remitted, in which case the costs so ordered to be re-
86 mitted shall not be taxed against the defendant: *Provided, however, that in*
87 *all criminal and quasi criminal cases, punishable by fine only, where a trial by*
88 *jury is waived and where, upon a finding of guilty, the court shall assess a fine*
89 *of twenty-five dollars (\$25.00) or less, the clerk's fees in full for all services*
90 *rendered by him in such cases shall be the sum of one dollar (\$1.00).*

91 *Second*—The bailiff's fees shall be the same as those which may now or
92 hereafter be fixed by law for the sheriff in counties of the third class for sim-
93 ilar services: *Provided, that no charge shall be made for mileage in the ser-*
94 *vice of any writ: And, provided, further, that in all such cases where the person*

95 or persons against whom a warrant shall issue shall voluntarily appear in court
 96 before or at the time set for the hearing thereof and defend the same, and a
 97 finding of guilty is made, no bailiff's fee or fees shall be taxed or collected as
 98 part of the costs.

99 *Third*—The clerk's fees for the making and certifying of a transcript of a
 100 record, or any part thereof, shall be the same as those required by law, from
 101 time to time, to be paid to the clerk of the criminal court of Cook county for
 102 similar services.

103 *Fourth*—The fees and mileage of witnesses shall be the same as those
 104 allowed by law, from time to time, to witnesses in cases in the criminal court
 105 of Cook county.

106 No advance costs of any kind or character shall be required to be paid in
 107 any such case; but in case of final judgment being entered against the de-
 108 fendant, all the costs of the suit may, in the discretion of the court, be
 109 awarded against him and collected by execution or otherwise, as the court may
 110 direct.

111 All moneys collected upon judgments of the municipal courts in cases in-
 112 cluded within this section shall be paid to the clerk, who shall, on or before
 113 the tenth day of the following month, pay over to the city of Chicago all moneys
 114 so collected upon judgments in its favor. All moneys collected upon judgments
 115 of the municipal court in cases for the violation of any ordinance, other than
 116 an ordinance of the city of Chicago, shall be paid to the clerk, who shall, on
 117 or before the tenth day of the following month, pay over the same as follows:
 118 All the costs and one-half of all fines and penalties to the city of Chicago; and
 119 one-half of the fines and penalties to the other municipal corporation or board
 120 of public park commissioners, situated in whole or in part within the limits
 121 of the city of Chicago, in whose favor such judgment shall have entered.

- 1 Introduced by Mr. Behrens, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act imposing new and additional duties upon the State Water Survey, and
making an appropriation therefor.

WHEREAS, The population of the State of Illinois is becoming more dense
every year and therefore the necessity for an adequate supply of pure water
for municipal and manufacturing purposes becomes more important; and

WHEREAS, The general municipal supplies of the State need constant and
careful attention to prevent contamination and the spread of disease; and

WHEREAS, The State Water Survey located at the University of Illinois is
making analyses of water sent to it by citizens, but lacks the funds necessary to
make personal visits to the various sources of water supply; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented
in the General Assembly:* That the State Water Survey be authorized and

3 hereby instructed to employ such field men as may be necessary to visit water
4 supplies and water sheds to make such field studies and to collect such samples
5 as are necessary and to analyze and test these samples to the end that a pure
6 and adequate public water supply for domestic and manufacturing purposes
7 may be maintained in each municipality.

Sec. 2. That the sum of twenty thousand dollars (\$20,000) per annum or
2 so much thereof as may be necessary is hereby appropriated out of any money
3 in the State treasury not otherwise appropriated, to be used for the payment
4 of salaries or other compensation of the assistants and employes and for such
5 other expenses as may be necessary for visiting municipal water supplies, in-
6 specting water sheds and collecting and testing samples of water, and for mak-
7 ing any investigations that will show how to best obtain or conserve an ade-
8 quate supply of pure water for domestic and manufacturing purposes in every
9 section of the State.

Sec. 3. That an annual report of the work of the State Water Survey and
2 such special reports as may be necessary shall be published and that the print-
3 ing of said report, the necessary supply of stationery, blank books and other sup-
4 plies needed by the State Water Survey and the printing thereof, shall be and
5 form part of the State printing contract and as such shall be under the direction
6 and supervision of the board of commissioners of State contracts: *Provided,*
7 *however,* that the cost thereof shall not exceed the sum of two thousand dollars
8 (\$2,000) per annum.

Sec. 4. That the Auditor of Public Accounts is hereby authorized and
2 directed to draw his warrant on the treasurer for the amounts herein appro-
3 priated, payable out of any money in the treasury not otherwise appropriated,
4 upon the order of the board of trustees of the University of Illinois, attested
5 by its secretary and with the corporate seal of the University; and no install-

6 ment subsequent to the first shall be paid by the treasurer, nor warrant drawn
7 therefor until detailed accounts showing expenditures of the preceding install-
8 ments have been filed with the Auditor of Public Accounts: *And, provided, fur-*
9 *ther,* that vouchers shall be taken in duplicate, and the original of duplicate
10 vouchers shall be forwarded to the Auditor of Public Accounts for the expendi-
11 ture of the sums appropriated in this Act.

AMENDMENTS TO

46th Assem.

HOUSE—No. 210

May 1909

AMENDMENT NO. 1.

Amend the printed bill by striking out in line 1, section 2, the words and figures “\$20,000” and inserting in lieu thereof the words and figures “\$7,500.”

AMENDMENT NO. 2.

Strike out the words “State Water Survey” and insert in lieu thereof “trustees of the University of Illinois, authorized and directed by the Act of June 7, 1897, to make a chemical and biological survey of the waters of the State, hereinafter called the State Water Survey, are hereby authorized and directed to provide an executive board of the State Water Survey, to fix the term of service and to appoint three members thereof from time to time, and also shall.”

-
- 1 Introduced by Mr. Donahue, March 3, 1909.
 - 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act relating to contracts between employer and employes.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no contract between employer and employe
3 which shall exempt the employer from liability for negligence under any law
4 of this State shall be binding on such employes or in case of the death of such
5 employe on the person or persons entitled to recover damages for the death of
6 such employe on account of any negligence of such employer and suit can be
7 commenced, prosecuted and maintained in the same manner and with the same
8 results as if no such contract was entered into by the employer and employe.

Sec. 2. That such employer may have paid money or other valuable con-
2 sideration for the purpose of providing compensation for any employe in case
3 of negligence and that such employe shall have accepted the benefits provided
4 by said employer shall not bar any right of such employe to recover compensa-

tion for injuries resulting from the negligence of the employer under any law of this State and that a person or persons entitled to recover for the death of such employe on account of such negligence of the employer shall be entitled to the same rights under this Act as if the suit was prosecuted and maintained by such employe.

-
- 1 Introduced by Mr. Donahue, March 3, 1909. ...
 - 2 Read by title, ordered printed and referred to Committee on Fraternal and Mutual Insurance, when appointed.

A BILL

For an Act providing for security from persons entrusted with money of fraternal benefit societies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person is competent to receive or to hold
3 the money of any fraternal benefit society unless he is a householder, the head
4 of a family, and the owner of real estate within the State of Illinois of the value
5 of two thousand dollars (\$2,000.00) over and above all exemptions and encum-
6 brances on such real estate and that such receiver and holder of such money
7 before he is entitled to receive such money shall make, execute and deliver to
8 the proper officers of the society for which he receives or holds such money
9 a good and sufficient bond, double the amount of the money which he is likely
10 to receive during the term of his office. Such bond to be signed by some relia-
11 ble surety company authorized to do business under the laws of this State

12 and said bond to comply with the rules of the order and the laws of the State
13 of Illinois.

Sec. 2. Upon the compliance of section 1 of this Act such person shall
2 be authorized to hold and receive the money of such society. And in case of
3 default in the payment of the money to the person or persons entitled to re-
4 ceive the same or to his successors the surety shall pay over to such society
5 within ten (10) days after notice the amount found to be due such society and
6 which has not been paid over by such holder or receiver of the funds and the
7 said surety upon such payments is hereby authorized to commence and main-
8 tain an action to recover from such defaulter the amount of money paid out by
9 such surety on account of such default and in addition thereto reasonable
10 costs, attorney's fees and ten (10) per cent for the money paid out on account
11 of such default.

- 1 Introduced by Mr. Fieldstack, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue, when appointed.

A BILL

For an Act to amend section 41 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 41 of an Act entitled, "An Act for the
3 assessment of property and for the levy and collection of taxes," be amended
4 to read as follows:

5 Sec. 41. They shall, in the month of May of the year 1873, and at the same
6 time in each year thereafter when required, make out and file with the county
7 clerks of the respective counties in which the railroad may be located, a state-
8 ment or schedule showing the property *used* for right of way, and the length of
9 the main and all side and second tracks and turnouts in such county, and in

10 each city, town and village in the county, through or into which the road may run,
11 and describing each tract of land, other than a city, town or village lot, through
12 which the road may run, in accordance with the United States surveys, giving
13 the width and length of the strip of land held in each tract, and the number of
14 acres thereof. They shall also state the value of improvements and stations
15 located on the right of way. New companies shall make such statements in
16 May next after the location of their roads. When such statement shall have
17 been once made, it shall not be necessary to report the description as herein-
18 before required, unless directed so to do by the county board; but the company
19 shall, during the month of May, annually, report the value of such property, by
20 description set forth in the next section of this Act, and note all additions or
21 changes in such right of way as shall have occurred.

- 1 Introduced by Mr. Flagg, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on License, when appointed.

A BILL

For an Act to amend section two (2) of “An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors,” approved March 30, 1874, in force July 1, 1874; as amended by Act approved May 18, 1877, in force July, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, “An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors,” approved March 30, 1874, in force July 1, 1874; as amended by Act approved May 18, 1877, in force July 1, 1877, be, and the same hereby is, amended so as to read as follows:

7 Sec. 2. SELLING LIQUOR WITHOUT LICENSE.] Whoever, not having a license
8 to keep a dram shop, shall, by himself or another, either as principal, clerk or

9 servant, directly or indirectly, sell any intoxicating liquor in any less quantity
10 than one gallon, or in any quantity to be drank upon the premises, or in or
11 upon any adjacent room, building, yard, premises or place of public resort, shall
12 be fined not less than *fifty dollars (\$50.00)* nor more than one hundred dollars
13 (*\$100.00*) *for each offense, and be* imprisoned in the county jail not less than
14 ten nor more than thirty days.

- 1 Introduced by Mr. Flannigen, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to legalize the organization of sanitary districts, and the election of trustees held within and for the same, where such districts have been organized in pursuance of. "An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes," approved May 17, 1907, in force July 1, 1907.

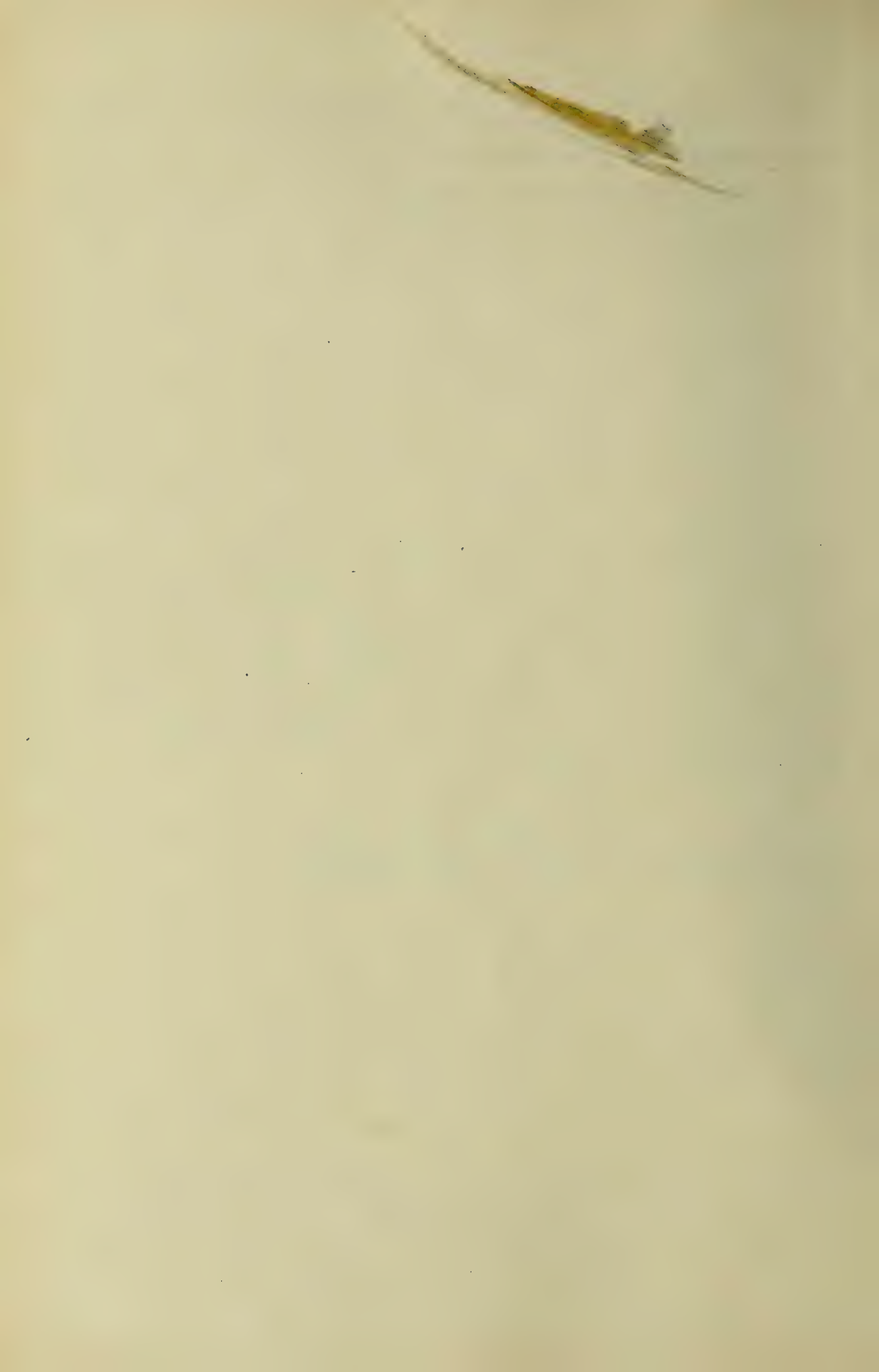
SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever in any territory an election has been
3 held to organize and incorporate such territory as a sanitary district under
4 and by virtue of an Act of the General Assembly of the State of Illinois entitled,
5 "An Act to create sanitary districts in certain localities and to drain and pro-
6 tect the same from overflow for sanitary purposes," approved May 17, 1907, in
7 force July 1, 1907, and *where* a part of the territory comprising said proposed
8 district at the time of said election was situated within the corporate limits of
9 a city, village or incorporated town in this State which had theretofore adopted

10 the provisions of an Act of the General Assembly of the State of Illinois en-
 11 titled, "An Act to amend an Act entitled 'An Act regulating the holding of elec-
 12 tions and declaring the result thereof in cities, villages and incorporated towns
 13 in this State,' approved June 19, 1885, in force July 1, 1885," as amended by
 14 an Act approved June 18, 1891, in force July 1, 1891, as amended by an Act
 15 approved April 24, 1899, in force July 1, 1899, known as the "City Election
 16 Law"; and *when* the proceedings and election for the organization of such sani-
 17 tary district have been held under the direction, supervision and orders of the
 18 county judge of the county wherein such city, village or incorporated town is
 19 located and commissioners appointed by such county judge in compliance with
 20 sections 1, 2 and 3 of said first above mentioned Act; and where said election
 21 was not held under and in pursuance of "An Act to provide for the printing and
 22 distribution of ballots at public expense, and for the nomination of candidates
 23 for public offices, to regulate the manner of holding elections, and to enforce the
 24 secrecy of the ballot," approved June 22, 1891, and in force July 1, 1891, known
 25 as the "Australian Ballot Law"; and where said election within that part of
 26 said sanitary district lying within any such city, village or incorporated town
 27 that had theretofore adopted the provisions of the said Act known as the "City
 28 Election Law" hereinabove mentioned, was not held in compliance with said
 29 Act known as the "City Election Law" nor under the direction and supervision
 30 of the election commissioners of said city, village or incorporated town; *then*,
 31 and in such case said elections are hereby declared to have been duly and legally
 32 held and all such sanitary districts so organized are hereby held and declared
 33 to be duly and legally organized. And all the acts of any such sanitary districts,
 34 if otherwise legal, are hereby made and declared to be legal, binding and of full
 35 force and effect.

Sec. 2. That whenever any such sanitary district has held an election for
 2 its first board of trustees, a part of which said district at the time of the elec-

tion of said trustees was situated within the corporate limits of a city, village or incorporated town which had theretofore adopted the provisions of said Act known as the "City Election Law," and said election of such first board of trustees has been held under the order, direction and supervision of the county judge in compliance with sections 4 and 5 of said first above mentioned Act, approved May 17, 1907, in force July 1, 1907, and where such election was not held under and in pursuance of said Act known as the "Australian Ballot Law"; and where such election within that part of said sanitary district lying within any such city, village or incorporated town that had theretofore adopted the provisions of said Act known as the "City Election Law" was not held in compliance with the said Act known as the "City Election Law" nor under the direction and supervision of the election commissioners of said city, village or incorporated town; then, and in such case said elections are hereby held and declared to have been duly and legally held, and all trustees elected at such elections are hereby declared to have been duly and legally elected. And all the acts and proceedings of such trustees, if otherwise legal, are hereby made and declared to be legal, binding and of full force and effect.

Sec. 3. WHEREAS, An emergency exists, therefore this Act shall be in full force and effect from and after its passage and approval.



- 1 Introduced by Mr. Flannigen, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 10 of an Act entitled, “An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes,” approved May 17, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 10 of an Act entitled, “An Act to create sanitary districts in certain localities and to drain and protect the same from overflow for sanitary purposes,” approved May 17, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

6 Sec. 10. All ordinances, orders, rules, resolutions and regulations shall,
7 before taking effect, be passed upon by the president of the board of trustees.
8 Such as he shall approve, he shall sign, and such as he shall not approve, he
9 shall return to the board of trustees, with his objections thereto in writing, at
10 its next regular meeting after the passage thereof. The president's veto may

11 extend to any one or more items or appropriations contained in any ordinance,
12 or to the entire ordinance; and in case the veto only extends to a part of such
13 ordinance, the remainder shall take effect and be in force; but in case the pres-
14 ident shall fail to return any ordinance, order, rule, resolution or regulation
15 with his objections thereto by the time aforesaid, he shall be deemed to have
16 approved the same, and such ordinance shall take effect accordingly. Upon
17 the return of any unapproved ordinance, order, rule, resolution or regulation,
18 the vote by which the same was passed shall be reconsidered by the board of
19 trustees, and if upon such reconsideration, three-fifths of all the members elect
20 shall agree by yeas and nays to pass the same, it shall go into effect, notwith-
21 standing the president's refusal to approve thereof.

- 1 Introduced by Mr. Flannigen, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Claims, when appointed.

A BILL

For an Act to make an appropriation for the relief of Edward A. Laxton, injured by an accident at the Southern Illinois Penitentiary, resulting in an injury to him, while in the performance of his duties, under the direction of an officer of the institution.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of twenty-five hundred dollars (\$2,500) be, and the same is hereby, appropriated for the relief of Edward A. Laxton, on account of the crushing of his foot, which required the amputation of the same, received by an accident occurring at the Southern Illinois Penitentiary, while he was employed in the regular line of his duties at said institution.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed to issue his warrant upon the State Treasurer for the aforesaid sum of money

3 to the said Edward A. Laxton, and the State Treasurer is hereby authorized to
4 pay the same out of any money in the State treasury not otherwise appropri-
5 ated.

-
- 1 Introduced by Mr. Jewell, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue, when appointed.

A BILL

For an Act to amend section 30 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and the repeal of a certain Act therein named," approved Feb. 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 30 of an Act entitled, "An Act for the
3 assessment of property and providing the means therefor, and the repeal of
4 a certain Act therein named," approved Feb. 25, 1898, in force July 1, 1898, be
5 amended so as to read as follows:

6 Sec. 30. In counties under township organization of less than 125,000 in-
7 habitants, the chairman of the board of supervisors and two (2) citizens of said
8 county to be appointed by the county judge *with the approval of the board of*
9 *supervisors on or before the second Monday in June* of each year, shall consti-

10 tute the board of review to review the assessments made by the county super-
11 visor of assessments. One of said citizens shall be appointed by said county
12 judge (with the approval of the board of supervisors) from each of the politi-
13 cal parties polling the highest vote at the general election next preceding such
14 appointment. In case of a vacancy in such board of review, then the county
15 judge may appoint a citizen of such county to fill such vacancy until such time
16 as said office can be filled in the manner herein named. The chairman of the
17 county board shall be the chairman of the board of review. The members of
18 the board of review shall receive as compensation, the sum per day for each
19 day of service as shall be fixed by the county board, their time of service to be
20 made out in due form, with day and date, and sworn to by the members thereof:
21 *Provided, further,* that in counties of less than 125,000 inhabitants the mem-
22 bers of the board of review, by a majority vote, may select some suitable person
23 to act as clerk of said board of review, and such clerk shall receive as com-
24 pensation the sum per day for each day of service as shall be fixed by the county
25 board, the time of service of such clerk to be made out in due form with day
26 and date and sworn to by such clerk.

27 As amended by Act approved May 13, 1907, in force July 1, 1907.

- 1 Introduced by Mr. Jewell, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue, when appointed.

A BILL

For an Act to repeal sections 22 and 26 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved Feb. 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 22 and 26 of an Act entitled, "An Act
3 for the assessment of property and providing the means therefor, and to repeal
4 a certain Act therein named," approved Feb. 25, 1898, in force July 1, 1898, be
5 and the same is hereby repealed and of no further use and effect.

- 1 Introduced by Mr. Lantz, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to increase the compensation of town supervisors and assistant supervisors.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the town supervisors and assistant supervisors shall receive for their services, while attending the services of the board of supervisors, the sum of four dollars (4.00) per day.

1 Introduced by Mr. Maclean, March 3, 1909.

2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.

A BILL

For an Act in relation to the office of treasurer in villages and incorporated towns.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That at the regular annual election, to be held in
3 the year 1908, for trustees in each village and every incorporated town, and
4 biennially thereafter, at the regular election of trustees, there shall be elected
5 a treasurer of such village or incorporated town to hold office for the term of
6 two years and until his successor is elected and qualified. Whenever vacancy
7 shall occur in the office of treasurer elected hereunder during the first year of
8 the term, such vacancy shall be filled for the remaining year of the term at
9 the next annual election of trustees, and during the period from the time any
10 vacancy occurs until a treasurer is elected and qualified, as above provided.

11 such vacancy may be filled by appointment by the president and board of trustees
12 of such village or incorporated town.

Sec. 2. All Acts or parts of Acts in conflict herewith are hereby
2 repealed.

AMENDMENT TO

46th Assem.

HOUSE—No. 221

April 1909

Amend House Bill No. 221 by striking out the figures "1908" in line 3 of the printed bill and inserting in lieu thereof the figures "1911."

-
- 1 Introduced by Mr. Maclean, March 3, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.

A BILL

For an Act to amend section 38 of an Act entitled "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by an Act approved May 14, 1903, in force July 1, 1903.

passed by the People of the State of Illinois represented
2 *in the General Assembly:* That section 38 of an Act entitled "An Act con-
3 cerning local improvements," approved June 14, 1897, and in force July 1, 1897,
4 as amended by an Act approved May 14, 1903, in force July 1, 1903, be
5 and the same is hereby amended so as to read as follows:

6 Sec. 38. Upon the filing of such petition, the superintendent of special
7 assessments, in cities where such officer is provided for by law, otherwise some

8 competent person, *who shall be a resident of the petitioning municipality*, ap-
9 pointed by the president of the board of local improvements, shall make a
10 true and impartial assessment of the cost of said improvement upon the peti-
11 tioning municipality and the property benefited by such improvement.

- 1 Introduced by Mr. Maclean, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.
when appointed.

A BILL

For an Act to amend section 40 of an Act entitled “An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto,” approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874; and amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 40 shall be amended to read as
3 follows:

4 Sec. 40. For taking and certifying acknowledgment of a deed, mortgage,
5 power of attorney, or other writing, fifty cents.

6 For acknowledgment of a chattel mortgage, fifty cents; and twenty-five
7 cents for each folio over one hundred words for docketing the same.

8 For administering oath to affidavit, when drawn by justice, fifty cents.

- 9 For administering oath to affidavit, when not drawn by justice, twenty-
10 five cents.
- 11 For taking each bond, fifty cents.
- 12 For taking bail, seventy-five cents.
- 13 For each certificate required to be made, when not part of any other act,
14 fifty cents.
- 15 For taking each complaint in writing, under oath, fifty cents.
- 16 For docketing each suit, fifty cents.
- 17 For taking depositions, for each one hundred words, seventy-five cents.
- 18 For issuing dedimus to take deposition of witnesses, twenty-five cents.
- 19 For entering verdict of jury, twenty-five cents.
- 20 For entering judgment, fifty cents.
- 21 For issuing each execution, fifty cents.
- 22 For entering continuances or any other order in the case, twenty-five cents.
- 23 For entering each appeal, fifty cents.
- 24 For entering satisfaction of judgment, twenty cents.
- 25 For entering the award of referees, seventy-five cents.
- 26 For administering oaths and trial, making all entries in cases of estrays, and
27 making and transmitting a certificate thereof to the county clerk, two dollars.
- 28 For each marriage ceremony performed, and certificate thereof, two dol-
29 lars.
- 30 For each mittimus, fifty cents.
- 31 For giving each notice, fifty cents.
- 32 For administering oaths, ten cents.
- 33 For each summons or warrant, fifty cents.
- 34 For each subpoena, fifty cents.
- 35 For each venire in all cases, fifty cents.
- 36 For each scire facias, fifty cents.
- 37 For issuing each attachment or writ of possession, one dollar.

38 For taking recognizances, and returning the same, one dollar.
 39 For transcript in change of venue, one dollar.
 40 For transcript of judgment and proceedings in cases of appeal, one dollar.
 41 For transcript of judgment to obtain lien on real estate, two dollars.
 42 For the trial of all contested cases, in counties of the first, second and third
 43 class, a per diem of two dollars, except in cases of judgment by confession
 44 or default in all counties of the first, second and third class the fees of the jus-
 45 tices of the peace, police magistrates, constables, jurors and witnesses in crim-
 46 inal cases shall be the same as those allowed for similar services in civil cases,
 47 and in all criminal cases where the fees cannot be collected of the party con-
 48 victed or where the prosecution (prosecution) fails, the county board may, in
 49 its discretion, direct that the cost of the prosecution, or so much thereof as
 50 shall seem just and equitable, shall be paid out of the county treasury: *Pro-*
 51 *vided*, that the costs in criminal and quasi criminal prosecutions for the viola-
 52 tion of an ordinance of an incorporated city or town, where the provisions of
 53 the charters of such towns or cities do not prohibit the payment of such costs,
 54 may be paid by such city or town, in the discretion of the city council or board
 55 of trustees of such incorporated cities or towns.

Sec. 2. Sec. 40 $\frac{1}{2}$. REPEAL.] All Acts or parts of Acts in conflict with this
 2 Act are hereby repealed.

-
- 1 Introduced by Wm. Murphy, March 3, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Corporations, when
appointed.

A BILL

For an Act to prohibit overcharges on messages sent or delivered by telegraph companies, and declaring same a misdemeanor and fixing the penalties therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any telegraph company,
3 its officers or agents, doing business in this State, to require the sender or re-
4 ceiver of any message in this State to pay the carfare or any other extra charge
5 of the messenger or other agent of such telegraph company, over and above the
6 regular charges for the receiving, transmitting and delivery of any such mes-
7 sage as fixed by the number of words contained therein, and the distance of
8 transmission of such message.

Sec. 2. That any person, persons, firm or corporation violating section 1
2 of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction,

3 be fined in a sum not less than \$50.00, more than \$200.00 for each offense, or
4 confined in the county jail not less than thirty days, nor more than six months
5 or both, in the discretion of the court.

- 1 Introduced by Mr. Murray, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend an Act entitled "An Act to provide for the creation of forest preserve districts," approved May 18, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled "An Act to provide for the creation of forest preserve districts," approved May 18, 1905, in force July 1, 1905, be amended to read as follows:

5 Sec. 1. That whenever any area of contiguous territory contains within
6 its boundaries one or more incorporated cities, towns or villages and lies wholly
7 within one county, such territory may be incorporated as a forest preserve dis-
8 trict in the following manner, to-wit:

9 Any one thousand (1,000) legal voters residing within the limits of such
10 proposed district may petition the county judge of the county, or in case said

11 proposed district lies in more than one county, then the county judges of all
12 of said counties, to cause the question to be submitted to the legal voters of
13 such proposed district whether they will organize as a forest preserve district
14 under this Act. Such petition shall be addressed to the county judge of the
15 county or the county judges of the counties in which said territory is situated,
16 and shall contain a definite and clear description of the territory intended to
17 be embraced in such district and the name of such proposed forest preserve
18 district.

19 Upon the filing of such petition in the office of the county clerk of the county
20 in which such territory is situated, it shall be the duty of the county judge to
21 order an election to be held in said proposed district, and in ordering such elec-
22 tion said judge shall proceed in the same manner as is provided in the Act
23 governing the organization of cities and villages in unincorporated territory:
24 *Provided*, that unless a majority of the votes cast *on this proposition* in the
25 territory lying in said counties shall be in favor of the incorporation of said
26 forest preserve district the same shall not be incorporated and the county
27 judge of said county shall cause a statement of the result of such election, held
28 in the territory lying within his county, to be spread upon the records of the
29 county court, a copy of such record, which copy, when so received shall be
30 spread upon the records of the county court receiving the same as a return
31 of the vote cast in said county; and if a majority of the votes cast in said dis-
32 trict shall be in favor of the proposed forest preserve district, such proposed
33 district shall thenceforth be deemed an organized forest preserve district under
34 this Act.

35 Sec. 2. All courts in this State shall take judicial notice of all forest pre-
36 serve districts organized under this Act. The affairs of such district shall be
37 managed by a president and six commissioners, who shall be appointed by the
38 county board or board of supervisors. Upon the organization of any district
39 under this Act, a president and six commissioners shall be appointed, who shall

40 be legal voters and reside within said district, and who shall hold their office
 41 for the term of six years from the date of said appointment and until their suc-
 42 cessors are appointed and shall qualify: *Provided*, that of the six commissioners
 43 first appointed in any district organized under this Act, two of said commis-
 44 sioners shall be appointed for a term of two years only, when two new commis-
 45 sioners shall be appointed to succeed the two whose term of office shall then
 46 expire; and the two so appointed shall hold their office for six years and until
 47 their successors are appointed and shall qualify; two of the commissioners
 48 shall be appointed for a term of four years only, when two new commis-
 49 sioners shall be appointed to succeed the two whose term of office shall then ex-
 50 pire, and the two so appointed shall hold their office for six years and until their
 51 successors are appointed and shall qualify: *Provided, however*, that not more
 52 than three of said six commissioners shall be of the same political party. The
 53 president and such commissioners, when so appointed, shall meet at some con-
 54 venient place within said district within two weeks after such election, and
 55 organize by electing a secretary and treasurer, and such other officers as they
 56 may deem necessary. The term of office of said officers shall not be longer than
 57 six (6) years, and they shall give such bond and perform such duties as shall
 58 be required of them by said board of commissioners; and such forest preserve
 59 district shall, from the time of the appointment of the first president and com-
 60 missioners under this Act, be construed in law and equity a body corporate
 61 and politic by the name and style of the Forest Preserve District of
 62 and by such name and style may sue and be sued, contract and be contracted
 63 with, acquire and hold real estate and personal property necessary for all
 64 corporate purposes, and adopt a corporate seal and alter the same at pleasure.

65 Sec. 3. The president and commissioners appointed in pursuance of the
 66 foregoing provisions of this Act shall constitute a board of commissioners for
 67 said district, which board of commissioners is hereby declared to be the cor-
 68 porate authority of such Forest Preserve District, and shall have power to

69 pass all necessary ordinances, rules and regulations for the proper management
70 and conduct of the business of said board and of said corporation, and for
71 carrying into effect the object for which such forest preserve district is
72 formed; to appoint a general superintendent, secretary and treasurer and
73 other officers and employes, as may be necessary, who shall be under civil ser-
74 vice rules and regulations. Each of said commissioners shall receive one thou-
75 sand five hundred dollars (\$1,500) dollars per annum as compensation, and the
76 president shall receive two thousand five hundred dollars (\$2,500) per annum.

77 Sec. 4. Said board of commissioners shall cause to be kept regular books
78 of record of all ordinances and other proceedings of board, which books shall be
79 open to the inspection of any person residing in said district at all reasonable
80 and proper times.

81 They shall report annually to the General Assembly all revenues received,
82 expenditures made, land acquired, progress of construction work, present con-
83 ditions of properties, and such other matters as may have been acted upon by
84 the board during the previous year.

85 Sec. 5. All ordinances making any appropriations or imposing any fine or
86 penalty shall, within ten (10) days after their passage, be published in some
87 newspaper of general circulation published in said district designated by said
88 board, and no such ordinance shall take effect until ten (10) days after it is
89 so published. All other ordinances, orders and resolutions shall take effect
90 from and after their passage unless otherwise provided. All ordinances, orders
91 and resolutions and the date of publication thereof may be proved by the cer-
92 tificate of the secretary of said board under the seal of the corporation and
93 when printed in book or pamphlet form and purporting to be published by the
94 board of commissioners, such book or pamphlet shall be received as evidence
95 of the passage and legal publication of such ordinances, orders and resolutions
96 as of the date mentioned in such book or pamphlet in all courts and places
97 without further proof.

98 Sec. 6. The board of commissioners of any forest preserve district or-
99 ganized under this Act shall have power to designate by ordinance the whole
100 or any part of such streets, roads, avenues, boulevards and highways within
101 the boundaries of said districts as public driveways to be used for pleasure driv-
102 ing only, and to improve and maintain the same; also to lay out, establish,
103 open, alter, widen, extend, grade, pave or otherwise improve and maintain
104 such streets, roads, avenues, boulevards or highways to designate the same as
105 pleasure driveways to be used for pleasure driving only: *Provided*, that rules
106 or ordinances shall be adopted by the commissioners providing for the proper
107 accommodation of regular traffic upon such driveways as may be established
108 upon regular highways and shall prohibit the use of such driveways for racing
109 or speedway purposes: *And, provided*, no such pleasure driveway shall fall
110 within the territory embraced in any public park district organized under any
111 law of this State. The corporate authorities of such forest preserve district,
112 may, by ordinance, regulate, restrain and control the speed of travel on such
113 pleasure driveways and in such forest preserves and in all things regulate, re-
114 strain and control the use of said forest preserves and pleasure driveways by the
115 public or individuals and may exclude therefrom traffic teams and vehicles so
116 as to free the same from any or all business or objectionable travel and may
117 prescribe by ordinance such fines and penalties for the violation thereof as
118 cities and villages are allowed by law to prescribe for the violation of ordi-
119 nances: *Provided, further*, that any and all roads, highways, avenues, pleasure
120 driveways, boulevards and parks lying wholly or in part within the corporate
121 limits of any city, town or village, situated within any forest preserve district
122 organized under this Act shall, first, by ordinance of the corporate authorities
123 of such city, town or village, be turned over and placed under the control of the
124 board of commissioners of any such forest preserve district and be excepted by
125 ordinance by said district.

126 Power is also hereby conferred upon any forest preserve district organized
127 under this Act to lay out, extend, maintain and improve pleasure driveways
128 under the provisions of any law of the State authorizing local improvements
129 by cities or villages now or hereafter in force.

130 Sec. 7. Every district organized under this Act shall have the power to
131 acquire by gift, grant, devise or purchase, or by condemnation under any Act
132 of eminent domain now or hereafter in force any and all grounds and lands
133 necessary for building, laying out and maintaining any such pleasure drive-
134 ways and forest preserves as such board of commisisoners may deem proper:
135 *Provided*, no lands acquired for such driveways and preserves shall lie within
136 any public park district now organized under or by virtue of any law of this
137 State. Said forest preserve district shall also have the power to raise money by
138 general taxation for the purpose of acquiring, laying out, building and main-
139 taining any such driveways and forest preserves and may by general taxation
140 raise sufficient money to pay all necessary expenses incurred by said board
141 in establishing, protecting and maintaining any such driveways and forest pre-
142 serves within said district; and power is also hereby conferred upon said dis-
143 trict to borrow money on the credit of the district and issue bonds therefor in
144 such amounts and on such conditions as it shall prescribe for the payment of
145 land condemned or purchased for forest preserves and pleasure driveways,
146 for building, maintaining and improving the same, and for the payment of ex-
147 penses, incidental thereto; the said districts shall not, unless authorized by a
148 vote of the electors of such district, as hereinafter provided, become indebted
149 in any manner, nor for any purpose, to any amount including existing indebted-
150 ness, in the aggregate to exceed one (1) per centum (1 per cent) of the value
151 of the taxable property therein to be ascertained by the equalized assessment
152 for State and county taxes for the year immediately preceding the incurring
153 of such indebtedness while said board of commisisoners may at any election
154 in said district submit to the electors of said district the question of incurring

155 a large amount of indebtedness and issuing bonds therefor; if a majority of the
156 electors voting at such election on said proposition shall vote for the incurring
157 of such increase of indebtedness or bond issue, the same shall thereby be fully
158 authorized; but such further increase of indebtedness, or the issuing of bonds
159 shall in no case exceed, including existing indebtedness, the sum of three per
160 centum (3 per cent) of the value of the taxable property therein to be ascer-
161 tained by the last equalized assessment for State and county taxes previous
162 to the borrowing of such money and issuing such bonds: and before or at the
163 time of issuing such bonds said board shall provide for the collection of any
164 annual tax sufficient to pay the interest on such bonds as it falls due and also to
165 pay and discharge annually one-twentieth of the principal thereof.

166 All general taxes proposed by said board of commissioners to be levied on
167 the taxable property within said district shall be levied at the same time and
168 in the same manner as taxes are now levied for city and village purposes under
169 the laws of this State: *Provided*, the aggregate amount of taxes levied for any
170 one year, exclusive of the amount levied for the payment of the interest on
171 the bonded indebtedness, shall not exceed the rate of one (1) mill on each
172 dollar of the aggregate valuation of property within such district subject to
173 taxation therein as the same was equalized for State and county taxation for
174 the previous year. All moneys uncollected under any of the provisions of this
175 Act shall be paid to the treasurer of said board of commissioners for said
176 district.

177 Sec. 8. Whenever any person holding the office of president or commis-
178 sioner of any district formed under the provisions of this Act, shall, from any
179 cause, either by removal from said district or otherwise, cease to be a legal
180 voter within said district, his office shall be declared vacant.

181 Sec. 9. Any territory adjoining any forest preserve district organized
182 under the provisions of this Act may become a part of such district in the
183 following manner: Upon the filing with the board of county commissioners of a

184 petition signed by not less than ten (10) per cent of the legal voters residing
185 within the territory proposed to be annexed to such district the board of com-
186 missioners of such district shall submit the question to the voters of the dis-
187 trict seeking to be annexed, at the next succeeding general election held there-
188 in, and if a majority of the votes cast upon said proposition shall be in favor
189 of such annexation the territory shall be annexed and the said board of com-
190 missioners of such district shall thereupon, by ordinance duly passed, annex said
191 territory to such district, and the same shall thenceforth become a part of the
192 said district, the same as though originally included in said district.

193 Sec. 10. The president of any district organized under this Act shall pre-
194 side at all meetings of the board when present and shall be the executive officer
195 thereof; he shall sign all ordinances, resolutions and other papers necessary to
196 be signed and shall execute all contracts entered into by the board and per-
197 form such other duties as may be prescribed by ordinance of the board; he
198 shall have the right to veto any ordinance, resolution or other action of said
199 board, and when so vetoed such ordinances, resolutions, or other actions of
200 said board shall not be effective or valid unless the same be again passed by a
201 two-thirds vote of all the members of said board. The president shall be en-
202 titled to vote only in case of a tie. In case of the temporary absence or in-
203 ability of the president to perform the duties of his office, the commissioners
204 may elect from their own number a president *pro tem*.

205 Sec. 11. All Acts or parts of Acts in conflict hereof, are hereby repealed.

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- 1 Introduced by Mr. Shanahan, by request, March 3, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to appropriate the sum of two hundred and twenty-five thousand dollars or so much thereof as may be necessary for the purpose of constructing an armory building for the use of the Illinois Naval Reserve, located in the city of Chicago, Cook county, Illinois: *Provided*, that there shall be deeded to the State suitable grounds upon which to erect said armory, the site to be approved by the Governor and Adjutant General.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That two hundred and twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the erection of an armory for the use of the Illinois Naval Reserve, located in the city of Chicago, Cook county, Illinois, on the site provided for such purpose by the War Department and now occupied by the Illinois Naval Reserve.

- 1 Introduced by Mr. Shaw, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Farm Drainage, when appointed.

A BILL

For an Act to amend sections five (5), nine (9), thirteen (13), fifteen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-five (55) and fifty-nine (59), and to repeal sections nineteen (19), twenty (20), twenty-one (21) and twenty-two (22), and to add two new sections, to be known as sections seventeen A (17a) and seventeen B (17b), to an Act entitled, "An Act to revise and amend an Act, and certain sections thereof, entitled, 'An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, as amended by certain Acts herein entitled, and to repeal certain laws therein named," approved June 30, 1885, in force July 1, 1885, as amended by an Act approved June 4, 1889, in force July 1, 1889, as amended by an Act approved June 24, 1895, in force July 1, 1895, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 14, 1903, in force July 1, 1903, as amended by an Act approved and in force May 20, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
in the General Assembly: That sections five (5), nine (9), thirteen (13), fif-
 teen (15), sixteen (16), seventeen (17), seventeen and one-half (17½), eighteen
 (18), twenty-six and one-half (26½), thirty-seven (37), forty-two (42), fifty-
 five (55) and fifty-nine (59) of an Act entitled, “An Act to revise and amend
 an Act, and certain sections thereof, entitled, ‘An Act to provide for the con-
 struction, reparation and protection of drains, ditches and levees across the
 lands of others for agricultural, sanitary and mining purposes, and to provide
 for the organization of drainage districts,’ approved and in force May 29, 1879,
 as amended by certain Acts herein entitled, and to repeal certain laws therein
 named,” approved June 30, 1885, in force July 1, 1885, as amended by an Act
 approved June 4, 1889, in force July 1, 1889, as amended by an Act approved
 June 24, 1895, in force July 1, 1895, as amended by an Act approved May 10,
 1901, in force July 1, 1901, as amended by an Act approved May 14, 1903, in
 force July 1, 1903, as amended by an Act approved and in force May 20, 1907,
 be and the same are hereby amended, and said Act be and it is hereby fur-
 ther amended by adding thereto two additional sections, to be known as sec-
 tions seventeen A (17a) and seventeen B (17b), which said sections as
 amended and said additional sections shall read as follows:

Sec. 5. On the hearing of any petition filed under the provisions of this
 chapter, all parties through or upon whose land any of the proposed work
 may be constructed, or whose lands may be damaged or benefited thereby,
 may appear and contest the necessity or utility of the proposed work, or any
 part thereof, and the contestants and petitioners may offer any competent
 evidence in regard thereto. It shall be the duty of the court to hear and de-
 termine whether or not the said petition contains the signatures of a majority
 of the owners of lands within said proposed district who are of lawful age,
 and who represent one-third in area of the lands proposed to be affected by
 such work, or that the said petition is signed by one-third (1-3) of the owners

of lands in said proposed district who have arrived at lawful age and who represent a major portion in area of the lands proposed to be reclaimed or benefited, and the affidavit of any three (3) or more of the signers of said petition, that they have examined said petition and are acquainted with the locality of said district, and that the said petition is signed by a majority of such owners, who are of lawful age, who represent at least one-third in area of the lands proposed to be affected by such work, or that said petition is signed by one-third (1-3) of the owners of lands in said proposed district who have arrived at lawful age and who represent a major portion in area of the lands proposed to be reclaimed or benefited, may be taken by the court as *prima facie* evidence of the facts stated therein; or the oath or affirmation before said court, or the affidavit of any person, properly taken and certified by any person or court authorized to take acknowledgments of deeds to real estate, in this State, giving the age of such party, and his or her ownership of lands, to be named in such oath, affirmation or affidavit, by proper description, shall be sufficient evidence to the court of such facts: *Provided*, that all deeds made for the purpose of establishing or defeating the prayer of said petition, not made in good faith and for a valuable consideration, shall be taken and held to be in fraud of the provisions of this Act, and the holders thereof shall not be considered as owners thereof. If the court, after hearing any and all competent evidence, that may be offered before it for and against the said petition, shall find the same has not been signed as hereinbefore required, the said petition shall be dismissed at the cost of the petitioners; but if the court shall find that the petition has been signed, as heretofore provided, the court shall so find, and such finding shall be conclusive upon the land owners of such district that they have assented to and accepted the provisions of this Act; and if it shall further appear to the court that the proposed drain or drains, ditch or ditches, levee or other works, is or are necessary or will be useful for the drainage of the lands proposed

59 to be drained thereby, for agricultural, sanitary or mining purposes, the court
60 shall so find, and appoint three (3) competent persons as commissioners, each
61 of whom shall hold his office until his successor is appointed, as hereinafter
62 provided, to lay out and construct such proposed work. In case the lands to
63 be drained or leveed shall be situated in different counties, not more than
64 two (2) of the commissioners shall be chosen from any one of such counties.
65 If the court shall find against the petitioners, the petition shall be dismissed
66 at the cost of the petitioners.

67 Sec. 9. Immediately after their appointment the commissioners shall
68 examine all the land proposed to be drained or protected and the lands over
69 or upon which the work is proposed to be constructed, and determine:

70 *First*—If drainage and levee work is proposed in the petition, whether the
71 starting point, route and terminus of the proposed work and the proposed
72 location thereof is or are in all respects proper and feasible; and if not, what
73 is or are so.

74 *Second*—The probable cost of the work mentioned in the petition, includ-
75 ing all incidental expenses, and the cost of the proceedings therefor.

76 *Third*—The probable annual cost of keeping the same in repair after the
77 work is completed.

78 *Fourth*—What lands will be injured by the proposed work, and the prob-
79 able aggregate amount of all damages such lands will sustain by reason of the
80 laying out and construction of such work.

81 *Fifth*—What lands will be benefited by the construction of the proposed
82 work, and whether the aggregate amount of benefits will equal or exceed the
83 cost of constructing such work, including all incidental expenses, costs of
84 proceedings and damages.

85 *Sixth*—Whether the proposed district, as set out in the petition filed, will
86 embrace all the lands that may be damaged or benefited by the proposed work;
87 and if not, to report what additional lands will be so affected.

88 *Seventh*—In case the prayer of the petition is for the purpose of repair-
89 ing and maintaining a levee or levees, ditch or ditches, heretofore constructed
90 under any law of this State, it shall be the duty of the commissioners to
91 examine the said levee or levees, ditch or ditches, and the lands intended to
92 be reclaimed thereby, and to report to the court—

93 First—Whether, in their opinion, said levee or levees, ditch or ditches, can
94 with proper repairs be made sufficient to protect permanently said lands from
95 overflow from high water, or to drain the same.

96 Second—The probable annual expense of keeping the same in such repair.

97 Third—What lands will be benefited thereby, and the probable aggregate
98 amount of such benefits.

99 Fourth—Whether the aggregate annual amount of benefits will equal or
100 exceed the annual costs of such repairs, including all incidental expense and
101 costs of proceeding; and,

102 Fifth—Whether the proposed district will embrace all the lands that may
103 be benefited by the maintenance of such levee or ditch, or combined system
104 of drainage; and if not, to report what additional lands will be so affected,
105 giving a description and the names of the owners thereof, which report shall
106 be filed with the clerk of said court.

107 Sec. 13. After the appointment of the commissioners, as provided for in
108 section nine (9) of this Act, the cause shall be continued by the court to a
109 day for the filing of their report, and in the event said commissioners are not
110 ready to report on the day fixed, they may appear before the court
111 and obtain a continuance or continuances until said report is ready to be
112 filed, but such continuance or continuances shall in such instance be to a
113 day certain, and all persons interested shall take notice of any such continu-
114 ance or continuances. Upon said report being filed with the clerk of the
115 court appointing such commissioners, the court shall fix a day not less than
116 ten days nor more than four weeks from the filing thereof, for the hearing

117 thereon: *Provided*, that in case the commissioners shall recommend that
 118 additional lands be embraced in the proposed district, the owner or owners
 119 of such lands shall be given notice by the commissioners, in the manner and
 120 for the time provided by section three (3) of this Act, of the hearing on said
 121 report. At the time of the hearing all persons may appear and contest the
 122 confirmation of said report or show that additional drains, ditches or other
 123 work should be constructed, or that the report ought to be modified in any
 124 particular, and may offer any competent evidence in support thereof; and
 125 the said report of said commissioners shall be *prima facie* evidence of the
 126 facts therein set forth.

127 Sec. 15. If the report be referred back to the commissioners for amend-
 128 ment, the court shall fix a day when the commissioners shall again present
 129 their report, in which case the hearing shall stand adjourned to that day, and
 130 no further notice shall be required thereof.

131 Sec. 16. If, after hearing all objections, if any, to the report of the
 132 commissioners, and all applications, if any, to annex other lands to the pro-
 133 posed district, the court finds that a drainage or levee district should be
 134 organized, the plat of the same shall be recorded and an order be made ac-
 135 cording to the findings of the court, substantially as follows:

136 County Court of.....county.....term, A. D. 19...

137 In the matter of the petition of (here insert names of the petitioners),
 138 this day the report of.....commissioners heretofore appointed
 139 by this court to examine the lands proposed to be drained or protected and
 140 the lands over which the work is proposed to be constructed (if additional
 141 lands are recommended by the commissioners to be brought into the proposed
 142 district, insert here the giving of notice to the owners of such land, as re-
 143 quired in section thirteen (13) of this Act), and said report having been set
 144 down for hearing in the manner required by law, and the court having duly
 145 examined said report and having heard evidence concerning the same, and

146 considered all objections to the same, it is ordered by the court that the re-
 147 port of said commissioners (or, if said report has been modified by the court,
 148 as modified by the court) be and the same is hereby confirmed; and the court
 149 further finds that the work proposed in said petition to be done will be use-
 150 ful for agriculture, sanitary or mining purposes to the owners of land with-
 151 in said proposed district; and the court also finds that the persons who have
 152 signed said petition are of lawful age and are a majority of the adult land
 153 owners, representing one-third in area (or one-third of the adult land own-
 154 ers owning a major portion, as the case may be) of the land to be affected
 155 by such proposed work. And the court further finds that the said drainage
 156 district of the corporate name mentioned in said petition, viz.....
 157, bounded as follows,....., is duly established
 158 as provided by law.

159County Judge.

160 And upon entering such order of record, said district is hereby declared
 161 by law to be organized as a drainage district by the name mentioned in
 162 the petition, and with the boundaries fixed by the order confirming the report
 163 of the said commissioners, and said district is hereby declared to be a body
 164 politic and corporate, by the name mentioned in said order of court, with the
 165 right to sue and be sued, and to have perpetual succession, and may adopt
 166 and use the corporate seal; and the commissioners appointed as aforesaid
 167 and their successors in office shall, from the entry of such order of confirma-
 168 tion, constitute the corporate authorities of such drainage district, and shall
 169 exercise the functions conferred upon them by law.

170 Said order shall be final, and separate appeals and writs of error may be
 171 taken to the supreme court by the parties affected thereby: *Provided*, the
 172 granting of an appeal or writ of error to one or more persons, or the reversal of
 173 said order upon such appeal or writ of error by such person or persons shall not
 174 impair nor invalidate said organization as to all other persons not appealing

175 nor suing out such writs, nor shall such appeal or writ of error delay the work
176 or proceedings so far as it affects the lands of such other persons. Nor shall
177 it be a valid ground of objection on the part of any land owner upon said hear-
178 ing, or upon an appeal from said order, or upon any writ of error attacking the
179 said order, that any owner of other land has not received sufficient notice of the
180 said proceedings, or that the said order is invalid as to the said owner of other
181 lands; but such other owners and lands may be thereafter brought into and
182 included in the said district, and assessed therein under the provisions of sec-
183 tions fifty-eight (58), sixty (60) and sixty-one (61) of this Act, when such
184 other lands should properly be included in said district.

185 Sec. 17. After the order provided for in the foregoing section shall have
186 been signed, the commissioners shall proceed to acquire the right of way and
187 release of damages for the construction of the proposed work, by agreement
188 with the land owners so far as they may be able to agree with said land own-
189 ers, and to make out an assessment roll in which shall be set down in proper
190 columns, the names of the owners, when known, a description of the premises
191 affected, in words or figures, or both, as shall be most convenient, the num-
192 ber of acres in each tract, and, if benefits are assessed against the same, the
193 amount of benefits against each tract, and if damages are allowed to, the
194 amount of the same against each tract; they shall include therein all railroads,
195 public highways and municipal corporations to be affected by
196 the proposed work, and the amount of benefits assessed against, and dam-
197 ages, if any, accruing to the track and right of way of said railways and pub-
198 lic highways and roads, and the streets and alleys of such municipal cor-
199 porations; and they shall also, in cases where the district is not organized
200 for a combined system of drainage independent of levees, make an assess-
201 ment of the "annual amount" of benefits which each tract will sustain by
202 keeping said levees, ditches or other work in repair, all of which shall be

203 known as the "Commissioners' roll of assessments of benefits and dam-
204 ages."

205 Sec. 17a. Upon the filing of the "Commissioners' roll of assessments
206 of benefits and damages," with the clerk of the court, the commissioners shall
207 give ten days notice in the manner provided by section three (3) of this Act,
208 of the time and place when and where they will appear before the same court
209 in which the petition was filed for the purpose of having a jury impaneled in
210 accordance with the provisions of section six (6) of an Act entitled, "An Act
211 to provide for the exercise of the right of eminent domain," approved April
212 10, 1872, in force July 1st, 1872, and for the hearing before said jury, upon
213 all questions of benefits and damages, to any of the land in said district.

214 Upon the hearing, the commissioners and all persons interested in the lands
215 to be affected, shall have the same right of challenge of jurors as in other
216 civil cases in the county courts of this State. When said jury is selected they
217 shall be sworn to faithfully and impartially perform the duties required of
218 them to the best of their understanding and judgment, and to make their as-
219 sessment of benefits or of damages, or damages and benefits as the case may be,
220 according to law; and thereupon said commissioners, on behalf of said dis-
221 trict, shall present and file as their claim against the several land owners and
222 tracts of land, the assessment roll provided for in section seventeen (17) of
223 this Act, which shall make out a *prima facie* case for the commissioners, and
224 all parties to said proceedings shall be permitted to present to said jury their
225 case in person or by counsel, and offer any competent evidence as to the amount
226 of benefits which any land in said district will receive by reason of said pro-
227 posed work, or as to the damages to land taken or damaged thereby over
228 which the right of way has not been obtained, and after such evidence shall
229 be presented and argument of counsel heard, the court shall instruct them as
230 to the law and form of their verdict.

231 Sec. 17b. And thereupon said jury shall proceed to elect a foreman and
232 a clerk from said jury, and in charge of such foreman shall proceed to examine
233 the lands, railroads, streets, alleys and public highways to be affected by the
234 proposed work, and ascertain, to the best of their ability and judgment, the
235 benefits which will accrue to the lands, railroads, streets, alleys and public
236 highways, to be affected by the said proposed work, and the damages to the
237 lands taken or damaged thereby, over which the right of way for the construc-
238 tion of the said proposed work had not been obtained, and the “annual
239 amount” of benefits which each tract will sustain by keeping said levees,
240 ditches or other work in repair (in cases where the district is not organized
241 for a combined system of drainage independent of levees), and said jury
242 shall make out their verdict in which shall be set down in proper columns the
243 names of the owners, when known, a description of the premises to be affected, in
244 words or figures, or both, as shall be most convenient, the number of acres in each
245 tract and the amount of benefits assessed, if any, and the amount of dam-
246 ages allowed, if any, against each tract, railroad, public highway, or
247 municipal corporation; also, when required by this Act, the amount of “annual
248 benefits,” if any, which each tract will sustain by keeping said levees, ditches or
249 other work in repair, and in finding such verdict they shall take into considera-
250 tion their view of the premises as evidence and consider it with the other testi-
251 mony offered in the case and allowed by the court, which verdict when so com-
252 pleted, shall produce the total sum of the estimated cost of the proposed work and
253 the proceedings incident to the same, together with the annual amount of benefits
254 which the lands will sustain by keeping said levees, ditches or other work in re-
255 pair, where required by this Act, and the amount of damages allowed, and said
256 verdict shall then be signed by the jury and filed in the court, and shall be taken
257 and held to be the verdict of the jury upon all questions of benefits and dam-
258 ages, arising in the proceedings; and thereupon the court shall confirm said ver-
259 dict and enter up judgment upon said verdict, and cause the same to be spread

260 upon the records and such judgment and verdict shall be a lien upon such lands
 261 after said judgment, until paid. Appeals and writs of error shall be allowed there-
 262 from as in cases of appeals or writs of error to county courts in proceedings
 263 for the sale of lands for taxes or special assessments: *Provided*, that the
 264 granting of an appeal in any one or more cases, of one or more persons shall
 265 not operate to defer the collection of the judgment in other cases, but the col-
 266 lection in other cases shall proceed as if no appeal had been taken. When said
 267 appeals are decided, if the judgment of said county court shall be affirmed, or
 268 upon said case being remanded for a new trial, if judgment shall be in favor
 269 of said district, the county court shall order the judgment so rendered to be
 270 made a part of said judgment not appealed from, and the same shall be col-
 271 lected as if no appeal had been taken.

272 The court shall continue said cause to a day certain for the report of the
 273 verdict of said jury, and if said jury are not ready to file their verdict on the
 274 day fixed, said cause may be continued from time to time until they have
 275 completed their verdict, and have returned same to the court, and all persons
 276 interested shall take notice of the time of filing and making said report by the
 277 jury.

278 The court may cause to be prepared and submit to said jury a form for
 279 their said verdict including names of the owners and descriptions of the tracts
 280 to be affected, including the railroads, public highways and municipal corpor-
 281 ations, with blanks for the said jury to fill with the amounts of benefits and
 282 damages as they shall find, and when completed the same may be placed in
 283 form by the court in the presence of said jury, or the said jury may be re-
 284 called at any time after being discharged to correct any errors or omissions
 285 therein.

286 Sec. 17½. But in case drainag and levee work is proposed by the peti-
 287 tion, the amount assessed for keeping said levee or ditch in repair, shall not in
 288 the aggregate amount to a sum, in any one year, greater than would be pro-

duced by thirty cents per acre on all the lands within said district: *Provided*, that should said district erect and maintain one or more pumping plants, an assessment of annual benefits may be made as provided in section one (1) of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard thereto, on account of, or with a view to the erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907.

In case the petition shall set out that a levee or ditch has been made under any law of this State and prays for an assessment of benefits to repair and keep in repair said levee or ditch the commissioners shall cause to be made an assessment of benefits which said lands will sustain by repairing said levee or ditches, and also the "annual amount" of benefits which said lands will sustain by keeping said levee or ditch in repair thereafter; and such assessment of benefits shall be made in the manner provided by sections seventeen (17), seventeen a (17a) and seventeen b (17b) of this Act; and in such case no other or different assessment shall be made, but in all other respects the commissioners shall comply with the provisions of this Act, so far as the same may be applicable thereto: *Provided*, that in all cases where the amount of benefits assessed, and the assessments of benefits to repair said levees, ditches or drains heretofore constructed under any law of this State are insufficient to complete the ditches, drains or levees embraced in the proceedings, the "annual amount of benefits" assessed to keep said levee or ditch in repair, making all necessary repairs for any year, may be applied to complete the ditches, drains or levees embraced in the proceedings, and to raising, strengthening and protecting said ditches, drains or levees, when required to protect the lands embraced in the drainage and levee districts organized under this

317 Act, from inundation and overflow, and in paying interest on any other notes or
318 bonds issued under this Act.

319 Sec. 18. In making such assessment, the jury shall award and assess the
320 damages and benefits in favor of and against each tract separately, in the
321 proportion in which such tract of land will be damaged or benefited, and in
322 no case shall any tract of land be assessed for benefits in a greater amount
323 than its proportionate share of the estimated cost of the work and expenses
324 of the proceeding, nor in a greater amount than it will be benefited by the
325 proposed work, according to the best judgment of the jury, and when directed,
326 by the commissioners, or the court impaneling a jury for making any addi-
327 tional assessment of damages and benefits, or benefits, or for the purpose of
328 making assessments in favor of, or against any one or more tracts, as the
329 case may be, in any district, such jury may consider any prior assessment or
330 assessments, against any lands, which are void and unpaid, by reason of some
331 omission, clerical error, mistake, or for want of proper notice to the owner
332 thereof, or on account of other irregularity of proceedings not affecting the
333 merits of such prior assessments, and may include the same or any part thereof
334 with such other assessments.

335 Sec. 26¹/₂. In case where a levee or ditch has been heretofore built under
336 any law of this State, or may hereafter be built under the provisions of this
337 Act, the annual amount of benefits for keeping the same in repair shall be due
338 and payable on the 1st day of September annually, and shall be a lien on the
339 lands upon which said assessments are made from and after the confirmation
340 of the report. The court in which such proceedings are had shall require
341 from said commissioners a report of the condition of the levee or ditch, at its
342 July term of each year, together with their estimate of the amount neces-
343 sary to keep the levee or ditch in repair, pay all incidental and necessary ex-
344 penses for the ensuing year, and the amount necessary to complete the ditches,
345 drains or levees embraced in the proceedings, and to raise, strengthen or pro-

346 tect said ditches, drains or levees when completed, and in constructing addi-
347 tional ditches, drains or levees when required to protect the lands embraced
348 in the drainage and levee districts organized under this Act, from inundation
349 and overflow; and if the court shall find that a less amount will be required
350 for such ensuing year than the whole amount of the assessment for that year,
351 then the court shall by an order fix the amount to be paid for such year, and
352 only that amount shall be collected, and the excess of such assessment over
353 and above the amount so fixed by said order for said year shall be remitted
354 by law, and shall not thereafter be collected: *Provided*, that the amount to
355 be collected under the order of said court shall not, in the aggregate, amount
356 in any one year, to a sum greater than would be produced by a levy of thirty
357 cents per acre on all the lands within said district; except as provided by an
358 Act entitled, "An Act to provide for the erection, maintenance and operation
359 of pumping plants in certain drainage and levee districts and to legalize and
360 validate former proceedings, bond issues, indebtedness and expenditures in
361 regard to, on account of, or with a view to the erection, maintenance and
362 operation of such pumping plants," approved and in force May 13, 1905, as
363 amended by an Act approved May 20, 1907, in force July 1, 1907: *Provided*,
364 *further*, that in all cases where the ditches, drains or levees constructed or re-
365 paired under this Act, are in danger of being impaired, injured, broken or
366 destroyed by overflow or otherwise, and a part of the annual amount of bene-
367 fits for protection and keeping the same in repair for the year in which said
368 ditches, drains or levees are so threatened has been remitted by order of the
369 court as herein provided, or when the annual amount of benefits for protect-
370 ing and keeping the same in repair for any year is insufficient, the commission-
371 ers of drainage and levee districts, organized under this Act, may borrow
372 money on the annual amount of benefits becoming due the first day of Sep-
373 tember, following the time when said ditches, drains or levees are so threat-
374 ened, to the extent of two-thirds of said annual amount of benefits, and may

375 secure the same by the notes or bonds of the drainage and levee districts
 376 bearing interest at the rate of six per cent per annum, and not running be-
 377 yond one year from the date of issue, which notes or bonds shall not be held
 378 to make the commissioners personally liable for the money borrowed, but shall
 379 constitute a lien upon the annual amount of benefits falling due thereafter
 380 for the repayment of the principal and interest thereof: *Provided*, that the
 381 report of the commissioners as to the condition of the levee or ditch and their
 382 estimate of the amount necessary to keep the levee or ditch in repair, pay
 383 all incidental and necessary expenses for the ensuing year, and the amount
 384 necessary to complete the ditches, drains or levees, embraced in the proceed-
 385 ings, and to raise, strengthen or protect said ditches, drains or levees when
 386 completed, and in constructing additional ditches, drains or levees, when re-
 387 quired to protect the lands embraced in the drainage districts, when the pro-
 388 ceeding is before a justice of the peace, shall be made on the first Monday
 389 in July, in each year. But this section shall not apply to districts organized
 390 for the purpose of establishing a combined system of drainage independent
 391 of levees.

392 Sec. 37. Said commissioners may use money arising from the collection
 393 of assessments or coming into their hands, as such commissioners, for the
 394 purpose of compromising suits and controversies arising under this Act, and
 395 in the employment of all necessary agents and attorneys, in organizing said
 396 district, and for conducting other proceedings, in law or in equity, for the
 397 same, and for the purpose of constructing or repairing or maintaining any
 398 ditch, ditches, drains, levee or levees within said district, or outside of said
 399 district, necessary to the protection of the lands and complete drainage of
 400 the same within said district: *Provided*, that the commissioners shall use
 401 such money under the direction or approval of the court; and assessments
 402 from time to time may be levied on the land within any district when it
 403 shall appear to the court that the previous assessment or assessments have

404 been expended or are inadequate to complete such work, or are necessary for
405 maintenance or repair, or when it shall become necessary for the construc-
406 tion of additional work, or the completion of any work already commenced
407 within any drainage district to insure the protection or drainage of the lands
408 in said district, under the direction and order of the court, or to pay obliga-
409 tions incurred for the current expenses of said district or in the keeping in
410 repair and protection of the work of such district, on a petition of a majority
411 of the land owners within said district who are of lawful age and represent
412 at least one-third in area of such lands, or on the petition of the commission-
413 ers, accompanied by an itemized statement of accounts made by the commis-
414 sioners under oath, showing the moneys received by the district and the man-
415 ner in which they have been expended, together with the plats and profiles of
416 such additional work and estimated cost of the same; two weeks previous
417 notice of the time set for the hearing of said petition in the manner required
418 by section three (3) of this Act having been given. Upon the hearing of such
419 petition the court may grant the prayer of the same, and cause the jury to
420 be impaneled to make said assessment with like proceedings and notice as near
421 as may be as in cases of original assessments of damages and benefits under
422 this Act, and such additional assessment or assessments, when made, shall
423 have the same force and effect and be collected in the same manner as original
424 assessments.

425 Sec. 42. The commissioners shall hold all their meetings for the transaction
426 of business at any place in the county or counties in which said district is
427 located, and shall receive for their services the sum of three dollars per day,
428 and their necessary traveling expenses for each day they shall be actually
429 engaged in the business of their office: *Provided*, that in districts having an
430 area of more than seventy-five thousand acres the commissioners shall re-
431 ceive four dollars per day for each day actually engaged in their official
432 duties, together with their necessary traveling expenses. The commissioners

433 shall present an itemized account, under oath, to the county court, of the
 434 amounts due them respectively, which amounts shall be audited at least once
 435 a year by said county court, and certified by said court to their treasurer, to
 436 be paid by him on said certificate. But such itemized account or accounts shall
 437 be subject to the approval of the court as provided by section forty-one (41)
 438 of this Act. The clerk of the county court shall receive for his services
 439 hereunder, such fees as are allowed by law for similar services in said county
 440 court.

441 Section 55. When a ditch, drain or levee, or other work established or
 442 repaired, or a combined system of drainage is located by the report of the
 443 commissioners, confirmed by the court or justice of the peace under this Act,
 444 drains or levees or proposes to drain or levee, either in whole or in part, any
 445 public or corporate road or railroad, or the streets and alleys of any municipi-
 446 pal corporation, so as to benefit any of such roads, so that the roadbed or
 447 traveled tract or other property of such road will be improved by the con-
 448 struction of such ditch, drain or levee, the commissioners shall apportion to
 449 the county, State, or free turnpike road, to the township, if a township road,
 450 to the company, if a corporate road or railroad, or to the municipal corpora-
 451 tion in the case of streets and alleys, such proportion of the cost and expense
 452 thereof as to private individuals, and shall include such apportionment in
 453 said "commissioners' roll of assessments of benefits and damages," and give
 454 to the corporate authorities so benefited, or, in case they are damaged, to the
 455 said corporate authorities so damaged, or benefited and damaged, as the case
 456 may be, the same notice and at the same time as shall be given to private
 457 individuals; and the matter of the amount of such assessments of benefits and
 458 damages if not agreed upon, shall be submitted to a trial by the same jury in the
 459 same manner as the benefits and damages to accrue to private individuals; and
 460 the said jury shall view and examine such road, railroad, streets and alleys, and

461 shall proceed to assess the damages and benefits in like manner as to the
 462 lands of individuals, and no other or different notice shall be required to be
 463 given: *Provided*, that when the commissioners and the corporate authori-
 464 ties of the county, State or free turnpike, township road, corporate road, or
 465 railroad, or municipal corporation, or any of them agree as to the amount
 466 that they or any of them should contribute, that the amount so agreed on
 467 shall be reported to the said jury when they meet to correct their assessment
 468 roll, and the amount so agreed upon shall be incorporated into said assess-
 469 ment roll when amended by said jury or commissioners: *And, provided, fur-*
 470 *ther*, that the amount so assessed against any railroad company or private
 471 corporation shall, upon the confirmation of the assessment roll by the county
 472 court, become a lien upon the real property of such railroad company or
 473 private corporation, and have the same force and effect as a judgment at law
 474 in favor of such district against such railroad company or private corpora-
 475 tion, and execution may issue thereon as upon judgments in courts of
 476 record in other cases, and shall have a like lien upon personal estate. In
 477 case such assessment is made against any township in this State the com-
 478 missioners of highways of such town shall cause the same to be levied and
 479 paid to said district in the manner provided by sections 13, 14, 15 and 16
 480 of an Act entitled, "An Act in regard to roads and bridges in counties
 481 under township organization, and to repeal an Act and parts of Acts there-
 482 in named," approved June 23, 1883, or in such manner as may now or here-
 483 after be provided by law: *And, provided, further*, that the sum assessed
 484 against either of said corporations shall not include the expense of construct-
 485 ing, erecting or repairing any bridge, embankment or grade, culvert or other
 486 work of the roads of such corporations, crossing any ditch or drain, con-
 487 structed on the line of any natural depression, channel or watercourse; but
 488 the corporate authorities of such road or railroad are hereby required, at
 489 their own expense, to construct such bridge, culvert or other work, or to re-

490 place any bridge or culvert temporarily removed by the commissioners in
491 doing the work of such district. Full power and authority is hereby given
492 the drainage commissioners to remove such bridges or culverts for the pur-
493 poses aforesaid, if they, in their judgment find it necessary.

494 Sec. 59. If, after an assessment of lands throughout the district has
495 been made, for the purpose of constructing drains, or ditches, or enlarging or
496 repairing the main drains or ditches of said district, according to the pro-
497 files, plats and specifications of the commissioners, as reported and con-
498 firmed, there remain lands in particular localities in said district, which are
499 in need of more minute and complete drainage, and it shall appear to the com-
500 missioners, on application of some owner or owners of land in the district,
501 that in their judgment additional ditches, drains, outlets or other work are
502 needed, in order to afford more complete drainage, and in all cases where upon
503 written application to the commissioners, signed by a majority in number of
504 the adult land owners in such locality owning in the aggregate more than one-
505 third of the land affected, or by the adult land owners of a major part of the
506 land in such locality who constitute one-third or more of the owners of the
507 land affected, it shall appear that additional ditches, drains, outlets or other
508 work are necessary in order to afford more complete drainage to such local-
509 ity, it shall be the duty of such commissioners to examine such lands, and
510 lay off and make plans, profiles and specifications of such additional work,
511 and an estimate of the costs of the same and make a special report thereof,
512 which special report shall describe all of the lands which will be either bene-
513 fited or damaged by such additional work, together with the names of the
514 owners, when known; such report being filed with the clerk of the county court,
515 the commissioners shall give to all persons whose lands will be either bene-
516 fited or damaged, whether they signed an application for additional work or
517 not, three weeks notice of the filing and hearing of such report in the man-
518 ner required by section three (3) of this Act; said notice shall state that the

519 commissioners will appear before the county court at a day mentioned in said
520 notice, and ask said court for a confirmation of such special report; and upon
521 said hearing the court shall pass upon the sufficiency of the application, to-
522 gether with all other matters contained in said report, and upon confirmation
523 thereof by the court, a special assessment of benefits and damages shall be
524 made upon all of the lands benefited or damaged by the proposed work, in
525 the manner provided for the making of original assessments of benefits and
526 damages by this Act; and like proceedings shall be had therein as in other
527 cases of assessment of benefits and damages, provided by this Act.

528 The affidavit of any of the commissioners, or any other creditable person,
529 of the posting and mailing thereof affixed to a copy of said notice shall be
530 sufficient evidence of the posting and mailing of said notices, and the certifi-
531 cates of the publisher of the newspaper in which the said notice was pub-
532 lished, shall be sufficient evidence of the publication of such notice.

533 Upon confirmation of said special report by the court, it shall be the duty
534 of the court to declare all the lands found to be affected by the work pro-
535 posed by said special report, to be organized into a sub-district, and all as-
536 sessments received or collected in such sub-district, for the work of such sub-
537 district, shall be kept as a separate fund belonging to such sub-district, and
538 said commissioners shall have the power if necessary to issue bonds against
539 any assessment or assessments in said sub-district in the same manner as
540 bonds are issued in original districts.

541 The commissioners of the principal district shall be *ex officio* commission-
542 ers of the sub-district.

543 Any lands lying outside of any sub-district as organized, the owner or
544 owners of which shall thereafter make connection with any ditch or drain
545 within any sub-district, or whose lands are or will be benefited by the work
546 of such sub-district, shall be deemed to have made voluntary application to be
547 included in such sub-district, and thereupon the commissioners shall make

548 complaint as provided in section fifty-eight (58) of this Act as to lands lying
549 outside of a drainage district as organized, and like proceedings shall be had
550 thereon as in cases of complaints made under said section fifty-eight (58).

Sec. 2. And be it further enacted that sections nineteen (19), twenty (20),
2 twenty-one (21) and twenty-two (22) of the said Act of which this is an amend-
3 ment, be and the same are hereby repealed; saving and reserving, however,
4 any rights that may have heretofore accrued thereunder.

Sec. 3. WHEREAS, owing to the uncertain and unsettled condition of the
2 laws of this State, on the subject of assessing benefits and damages, either by
3 jury or by the commissioners, an emergency exists, therefore this Act shall be
4 in force from and after its passage.

- 1 Introduced by Mr. H. W. Wilson, March 3, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to amend section 42 of an Act entitled “An Act to regulate the practice in courts of chancery,” approved March 15, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 42 of an Act entitled “An Act to regu-
3 late the practice in courts of chancery,” approved March 15, 1872, in force
4 July 1, 1872, be and the same is hereby amended to read as follows:
5 Sec. 42. When any bill is taken for confessed or upon hearing, the court
6 may make such decree thereon as may be just, and may enforce such decree,
7 either by sequestration of real and personal estate, by attachment against the
8 person, by fine or imprisonment, or both, by causing possession of real and per-
9 sonal estate to be delivered to the party entitled thereto, or by ordering the de-
10 mand of the complainant to be paid out of the effects or estate sequestered, or

11 which are included in such decree; and by the exercise of such other powers
12 as pertain to courts of chancery, and which may be necessary for the attain-
13 ment of justice:

14 *Provided*, that whenever it shall be sought to enforce any such decree or de-
15 cretal order by fine or imprisonment, or both, or by attachment as for contempt,
16 or other contempt proceedings, either singly or otherwise, with wilful dis-
17 obedience to, or defiance, obstruction or violation of such decree or order, by
18 means of such acts, intents, conduct, designs, combination, confederation, con-
19 spiracy, publications, utterances or declarations, written or unwritten, imputed
20 by such charge to such person, as would if committed constitute a crime or
21 offense against the criminal laws of Illinois for which such person would be sub-
22 ject to prosecution under said laws, in accordance with the provisions thereof
23 and entitled to all the safeguards therein provided; in every such case every
24 such person so proceeded against for the enforcement of such decree or order
25 by fine or imprisonment, or both, or by attachment or other proceedings as for
26 contempt upon any charge of wilful disobedience to, or defiance, obstruction or
27 violation of any such decree or order by means of such acts, intents, conduct,
28 designs, combinations, confederation, conspiracy, publications or utterances, writ-
29 ten or unwritten, imputed by such charge to such person, as would if committed
30 constitute a crime or criminal offense as aforesaid, shall be entitled, as of right,
31 to have a trial by jury upon such charge against him, such trial to be con-
32 ducted in all respects in the same due and regular course of law and procedure
33 observable in trials by jury generally; and such person so charged, unless he
34 expressly waives such trial by jury, shall not be fined, imprisoned or held on
35 attachment on account of said charge until found guilty thereof by the verdict
36 of a jury, nor until judgment entered on such verdict imposing such fine, im-
37 prisonment or detention.

38 Upon the trial or hearing of such charge, so imputing crime or criminal
39 offense as aforesaid, and so brought for the purpose of enforcing any such de-

40 decree or order by attachment against the person, by fine or imprisonment, or
41 both, the findings, recitals or adjudications of such decree or order shall not
42 be admissible or admitted nor be taken or considered as any proof or evidence
43 whatever that the person so charged wilfully disobeyed, defiled, obstructed or
44 violated such decree or order; but, to justify a finding or verdict of guilty upon
45 such charge, the evidence admitted must prove the guilt of the accused beyond
46 all reasonable doubt, and the jury, if said charge be tried by jury, shall be so
47 instructed by the court, if such instruction be requested by or on behalf of the
48 person being tried upon said charge.

Sec. 2. All parts of Acts inconsistent herewith are hereby repealed.

1 Introduced by Mr. Clark, March 3, 1909.

2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act to make an appropriation to defray certain expenditures made by members of the Illinois House of Representatives, in the 45th General Assembly of the State of Illinois, in the expenses of and attendance upon the funerals of Honorable Richard Powers and Honorable Paul Finnan, deceased members of the House of Representatives of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be, and hereby is, appropriated the sum
3 of six hundred and eighty-three dollars (\$683.00) to defray the actual and neces-
4 sary expenditure made by members of the Illinois House of Representatives, in
5 the 45th General Assembly of the State of Illinois, in the expense of, and
6 attendance upon, the funerals of the Honorable Richard Powers and the Hon-
7 orable Paul Finnan, deceased members of the House of Representatives of the
8 State of Illinois.

Sec. 2. The Auditor of the State of Illinois is hereby authorized and directed to draw his warrant upon the State Treasurer of the State of Illinois for the said above amount.

Sec. 3. WHEREAS, An emergency exists, therefore this Act shall be in force from and after its passage.

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- 1 Introduced by Mr. Browne, March 4, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Insurance, when
appointed.

A BILL

For an Act to prevent fire insurance companies entering into or maintaining pools,
trusts, conspiracies or agreements to control rates of insurance.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any corporation or organization existing under
3 the laws of this or any other State or country transacting or conduct-
4 ing a fire insurance business, or any partnership or individual or other asso-
5 ciation of persons whatsoever, who shall maintain, create, enter into, become a
6 member of, or party to, any pool, trust, agreement, condition, confederation
7 or understanding with any other corporation, partnership, individual or any
8 other person or association of persons who regulate or fix the price to be paid
9 for insuring property against loss or damage by fire or lightning, or shall
10 enter into, become a member of, or be a party to, any pool, trust, agreement,

11 condition, confederation or understanding to fix the price to be paid for insur-
12 ing property against loss or damage by fire or lightning, shall be deemed
13 guilty of a conspiracy to defraud and be subject to the penalties as provided
14 in this Act. Such company violating the provisions of this Act, either by
15 itself, its agents or by any board, committee or other body, shall be deemed
16 to have forfeited its right to do business in this State and become liable to all
17 penalties herein provided and the forfeiture of its charter.

Sec. 2. It shall be the duty of the Superintendent of Insurance to, on or
2 about the first day of July each year, address to each fire insurance corpo-
3 tion or association doing business in this State, a letter inquiring as to whether
4 such corporation, company or association is interested in any trust, pool,
5 conspiracy, agreement, combination of rates, condition, or has any understand-
6 ing with any person, partnership, association, society, or any other corporation,
7 and to require an answer under oath on or before the following 30th day of
8 September signed by the president and secretary, or the acting president and
9 secretary of such corporation or association.

Sec. 3. Any company, corporation or association doing a fire insurance
2 business, or any officer, agent or other representative thereof, guilty of a vio-
3 lation of this Act shall be deemed guilty of a misdemeanor, and upon convic-
4 tion shall be liable to a fine of not less than five hundred dollars and not
5 more than one thousand dollars, or imprisonment for one year, or both, for
6 each and every offense.

Sec. 4. It shall be the duty of the superintendent of insurance to proceed
2 against any corporation, company or association violating section 1 of this Act
3 to annul its charter.

Sec. 5. WHEREAS, An emergency exists; therefore, be it enacted that this
2 bill shall be effective immediately after its passage.

AMENDMENT TO

46th Assem.

HOUSE—No. 230

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 230 in the title thereof by adding to said title, after the last printed word thereof, the words, “and providing penalties for the violation of the provisions of this Act.”

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- 1 Introduced by Mr. Cermak, March 4, 1909.
 - 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to provide for the setting apart, formation and disbursement of a house of correction employes' pension fund in cities having a population exceeding 50,000 inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the board of inspectors of the various houses
3 of correction, organized under an Act of the General Assembly of the State of
4 Illinois entitled, "An Act to establish houses of correction and authorize the
5 confinement of convicted persons therein," approved April 25, 1871, and in
6 force July 1, 1871, and maintained thereunder in cities having a population
7 exceeding 50,000 inhabitants, shall have power, and it shall be its duty to
8 create a house of correction employes' pension fund, which shall consist of 2
9 per cent of the salaries or wages of the employes, deducted in equal monthly
10 installments from such salaries or wages at the regular time or times of the
11 payment thereof.

Sec. 2. The term "employee," under this Act, shall include all persons in the employ of any such house of correction receiving a stipulated salary or wage per annum, and this Act shall apply only to those employes who voluntarily accept and agree to comply with its provisions. Any employe, a part of whose salary may be set apart hereafter to provide for the fund created by this Act, may be released from the necessity of making further payments to said fund by filing a written notice of his or her desire to withdraw from complying with the provisions of this Act with the board of trustees hereinafter mentioned, which resignation shall operate and go into effect immediately upon its receipt by said board of trustees.

Sec. 3. The city treasurer, subject to the control and direction of the board of trustees hereinafter mentioned, shall be the custodian of such pension fund and shall secure and safely keep the same and shall keep books and accounts concerning said fund in such manner as may be prescribed by said board of trustees, which said books and accounts shall always be subject to the inspection of said board of trustees, or any member thereof. The city treasurer shall, within ten days after his election or appointment, execute a bond to the city, with good and sufficient sureties, in such penal sum as the said board of trustees shall direct, which said bond shall be approved by said board of trustees, and shall be conditioned for the faithful performance of the duties of said office, and that he will safely keep and well and truly account for all moneys belonging to said pension fund, and all interest thereon, which may come into his hands as such treasurer, and on the expiration of his term of office, or upon his retirement therefrom for any cause, he will surrender and deliver over to his successor all unexpended moneys, with such interest as he may have received thereon, and all property which may have come into his hands as treasurer of said pension fund. Such bonds shall be filed in the office of the city clerk of said

18 city for the use of said board of trustees, or any person or persons injured by
19 such breach.

Sec. 4. The board of inspectors of any such house of correction shall, in
2 the month immediately following the date of this Act going into effect, arrange
3 for the election of a board of trustees of said pension fund, composed of five (5)
4 members to be chosen as hereinafter provided, which election shall be held not
5 later than two months after this Act goes into effect. Said board of trustees
6 shall have power, and it shall be its duty to administer said fund and to carry
7 out the provisions of this Act and for the purpose of enabling such board of
8 trustees to perform the duties imposed and exercise the powers created by this
9 Act, the board of trustees shall be and is hereby created a body politic and cor-
10 porate.

Sec. 5. The said board of trustees shall consist of the chairman of the board
2 of inspectors and the superintendent of the house of correction, two employes
3 contributing to the fund and one other member of said board of inspectors, the
4 chairman of said board of inspectors and the superintendent of the house of
5 correction shall be *ex officio* members of such board of trustees, and three other
6 members of such board of trustees shall be elected by ballot by the employes con-
7 tributing to said fund at the time and for the terms respectively as follows:
8 At the first election the contributors to said fund shall elect one of their num-
9 ber to serve for the term of one year, and one of their number to serve for
10 the term of two years; and annually thereafter said contributors shall elect one
11 of their number to hold office for the term of two years. At each election the
12 contributors shall elect a member of the board of inspectors of the house of cor-
13 rection to serve as a member of such board of trustees for a term of one year.

Sec. 6. Whenever any elective member of said board of trustees shall
2 cease to be in the employ of or to be a member of said board of inspectors of

3 said house of correction, his or her membership in said board of trustees shall
4 cease. All vacancies in said board of trustees shall be filled by ballot of the
5 contributors to said pension fund.

6 Said board of trustees shall have power and it shall be its duty:

7 (1) To make all payments from said pension fund pursuant to the pro-
8 visions of this Act.

9 (2) To administer and invest, to purchase, hold, sell or assign and trans-
10 fer any part of said pension fund remaining in the hands of said treasurer, or
11 any of the securities in which said fund, or any part thereof, may be invested,
12 subject to the approval of the majority of the contributors to the said pension
13 fund.

14 (3) To pay all necessary expenses in connection with the administration of
15 said fund and in carrying out the provisions of this Act for which provisions
16 are not made.

17 (4) The annuity to be paid shall be the sum of four hundred and eighty
18 dollars (\$480) per annum for each and every beneficiary of said pension fund,
19 and the said annuity to be paid in equal monthly installments.

20 (5) To take, by gift, grant or bequest, or otherwise, any money or prop-
21 erty of any kind and hold the same for the benefit of said fund.

22 (6) To exempt any of said employes from the operation of this Act, when-
23 ever in its judgment the interests of said fund shall render such exemption
24 necessary and advisable, subject to the approval of the said contributors of the
25 pension fund.

26 (7) To make and establish all such rules for the transaction of its busi-
27 ness and such other rules, regulations and by-laws as may be necessary for the
28 proper administration of said fund committed to its charge, and the perform-
29 ance of the duties imposed upon it.

30 (8) It shall keep full and complete records of its meetings and of the re-
31 ceipts and disbursements on account of such fund, and also complete lists of

32 all contributors to said fund, and of all annuitants receiving benefits therefrom,
33 and such other records as in its judgment shall seem necessary and shall make
34 and publish annually a full and complete statement of its financial transactions.

35 (9) Said board shall hear and determine all applications for benefits under
36 this Act, and shall have power to suspend any annuity whenever in its judg-
37 ment the disability of such beneficiary has ceased, or for other good cause, sub-
38 ject to the approval of the majority of the contributors to said pension fund.

39 (10) To compromise, settle or liquidate any claim against said fund, by
40 surrendering the contribution or contributions of any individual or individuals
41 and make the necessary rules, prescribing the terms under which settle-
42 ments may be made, providing there shall be no rule allowing restitution of
43 deductions from salaries after the contributor shall have become eligible to an
44 annuity under this Act.

Sec. 7. Any contributor to said fund who shall have attained the age of
2 fifty (50) years, and shall have been in the service of said house of correction
3 for a period of twenty (20) years, and shall have contributed to said fund for
4 the same period, shall have the right to retire and become a beneficiary under
5 this Act, and to receive the said benefit or annuity.

Sec. 8. Upon the death of any contributor, the said board of trustees shall
2 pay the said annuity to the widow, as long as she remains the same of such de-
3 ceased contributor, and if there is no widow, said board of trustees shall pay said
4 annuity to the child or children of such deceased contributor, until such time
5 as the youngest child shall reach the age of sixteen (16) years, and if there be
6 no widow nor children the annuity shall be paid to the mother of such deceased
7 contributor as long as she may live.

Sec. 9. Any person who has been an employe of said house of correction
2 for a period of twenty (20) years or more, and is a contributor to said fund, may

3 retire from the service of said house of correction upon sixty (60) days' notice,
4 to be given to said board of trustees (unless such notice is waived by said
5 board of trustees) and become an annuitant under this Act: *Provided*, such
6 person shall have contributed to said fund for a period of not less than twenty
7 years or shall pay into the fund the equivalent of twenty (20) years' contribu-
8 tion thereto, and have attained the age of fifty (50) years.

Sec. 10. Any person who has contributed to said fund for a period of three
2 (3) years or more may retire from the service of said house of correction on
3 account of serious disability rendering him or her unable to properly discharge
4 his or her duties, upon ninety (90) days' notice to be given to the board of
5 trustees (unless such notice is waived by said board of trustees) and may be-
6 come an annuitant under this Act, and thereupon be entitled to receive said an-
7 nuity until such time as he or she shall be able to properly discharge his or her
8 duties or until death, when said board of trustees shall pay said annuity to the
9 widow, child or mother of the deceased contributor, as hereinbefore provided.

Sec. 11. Any employe who has contributed to said fund for three (3) years
2 or more and who shall be dismissed or resign from the service of said house of
3 correction, may, upon application made within three (3) months, after such dis-
4 missal or resignation, receive one-half ($\frac{1}{2}$) of the total amount paid into said
5 fund by such person so dismissed or resigned.

Sec. 12. Any person in the employ of the house of correction at the time
2 this Act is passed shall be eligible to become a contributor to said pension fund
3 and shall be given credit for the time of his or her past service, upon the pay-
4 ment of 1 per cent of the salary he or she has received while in such employ
5 ment.

Sec. 13. The chairman of the board of inspectors and the superintendent
2 of the house of correction shall certify monthly to the treasurer all amounts

3 deducted in accordance with the provisions of this Act from the salaries paid
4 by the house of correction, which amounts, as well as all other sums contributed
5 to said fund under the provisions of this Act, shall be set apart and held by said
6 treasurer for the purpose hereinbefore specified, subject to the order of said
7 board of trustees and shall be paid out upon warrants signed by the president
8 and secretary of said board of trustees.

Sec. 14. All annuities granted under the provisions of this Act shall be ex-
2 empt from attachment and garnishment process and no annuitant shall have the
3 right to transfer or assign his or her annuity either by way of mortgage or
4 otherwise.

Sec 15. Any person who shall directly or indirectly avoid or seek to avoid
2 any or all the provisions of this Act, or who shall directly or indirectly inter-
3 fere with, or obstruct the enforcement of any of the provisions of this Act,
4 shall be guilty of a misdemeanor, and shall, on conviction thereof, be punished
5 by a fine of not less than fifty dollars (\$50) and not exceeding one thousand
6 dollars (\$1,000) or by imprisonment in the county jail for a term not exceeding
7 six (6) months, or both such fine and imprisonment in the discretion of the
8 court.

- 1 Introduced by Mr. Fahy, March 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects, when appointed.

A BILL

For an Act to regulate the pursuit of the business art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person to follow the occupation of barber in this State, unless he shall first have obtained a certificate of registration as provided in this Act: *Provided, however,* that nothing contained in this Act shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

Sec. 2. A board of examiners, to consist of three (3) persons, is hereby created to carry out and enforce the provisions of this Act. Said board shall

3 be appointed by the Governor and shall consist of practical barbers who have
4 been for at least five (5) years prior to their appointment, engaged in occupa-
5 tion of barber in this State. Each member of said board shall serve a term of
6 two (2) years and until his successor is appointed and qualified, except in the
7 case of the first board, whose members shall serve one (1), two (2) and three
8 (3) years respectively, and shall take the oath provided for public officers.
9 Vacancies shall be filled by the Governor for the unexpired portion of the
10 term.

Sec. 3. Said board shall elect a president, secretary and treasurer, shall
2 have a common seal, and shall have the power to administer oath. The office
3 of secretary and treasurer may be filled by the same person, as said board
4 may determine. The secretary and treasurer shall give a bond in the sum of
5 one thousand dollars (\$1,000.00), with sureties approved by the Secretary of
6 State, conditioned for the faithful performance of the duties of the office.

Sec. 4. Each member of said board shall receive a compensation of four
2 (4) dollars per day and actual expenses for actual service, and two (2) cents
3 per mile for each mile actually traveled in attending the meetings of the board,
4 which compensation shall be paid out of any moneys in the hands of the treas-
5 urer of said board: *Provided*, that said compensation and mileage shall in no
6 event be paid out of the State treasury.

Sec. 5. Said board shall hold practical examinations at least four times
2 each year, said examinations to be held in cities in different parts of the State,
3 distributed as evenly as possible for the convenience of the applicants, and
4 such other examinations at such times and places as they may, from time to
5 time, determine. Whenever complaint is made that any barber shop is kept in
6 an unsanitary condition, or that contagious diseases have been imparted, a
7 member of the board shall visit and inspect such shops and enforce the provi-

sions of this Act. The board shall keep a record of all its proceedings, shall also show if such applicant was registered or rejected by examination, or otherwise, such book shall be *prima facie* evidence of all matters required to be kept therein.

Sec. 6. Said board shall file with the Governor on the 1st day of July of each year, an itemized statement of all the receipts and expenses of the board for the year.

Sec. 7. Any person desiring to obtain a certificate of registration under this Act shall make application to such board therefor, pay to the treasurer of said board an examination fee of three (3) dollars, present himself at the next regular meeting of the board for the examination of applicants, and if he shows that he has studied and practiced the trade for three (3) years as an apprentice under one or more practicing barbers, or for at least three (3) years in a properly appointed and conducted barber school under the instructions of a competent barber, or practiced the trade for at least three years in this State or other states, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair-cutting and all the duties and services incident thereto, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said trade in this State. All persons making application for examination under the provisions of this Act shall be allowed to practice the occupation of barbering until the next meeting of the board, and the board shall issue a permit authorizing him to practice said trade until the next meeting of the board.

Sec. 8. Nothing in this Act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this Act, or from serving as a student in any barber school for the training of students in such trade under the training of a qualified barber: *Provided*, that such apprentice or student shall apply to said board to have his name registered with said board in a book which shall be kept by the board for the registering of apprentices and students and secure a permit to practice as an apprentice or student under the instructions of a qualified barber. After having practiced the trade for three (3) years under a qualified barber such apprentice or student shall be eligible to become a registered barber and present himself at the next meeting of the board held nearest to him for the examination of applicants, and pay the fee of three (3) dollars for examination, as provided in Section 7.

Sec. 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or an insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of Section 11 of this Act.

Sec. 10. Said board shall keep a register in which shall be entered the names
2 of all persons to whom certificates are issued under this Act, and said register
3 shall be at all times open to public inspection.

Sec. 11. Said board shall be authorized to adopt reasonable rules providing
2 for the sanitary regulation of barber shops, subject to the approval of the
3 State Board of Health, and shall have the power to enter any barber shop dur-
4 ing business hours for the purpose of inspection of such shops. If any shop be
5 found in an unsanitary condition, or if any barber working therein has been
6 charged with imparting any contagious or infectious disease, the board shall
7 immediately notify the health officer thereof, and such shop shall be quarantined
8 and the barber so charged shall not practice his occupation until such quaran-
9 tine shall be removed by the health officers. Said board shall have the power
10 to revoke any certificate of registration granted by it under this Act, for con-
11 viction of crime, habitual drunkenness, for six months immediately before a
12 charge duly made, gross incompetency, failure to comply with the sanitary rules
13 approved by the State Board of Health or for having imparted any contagious
14 or infectious disease: *Provided*, that before any certificate shall be so revoked,
15 the holder thereof shall have notice in writing of the charge or charges against
16 him, and at a day specified in said notice at least five (5) days after the service
17 notice thereof, be given a public hearing and be given an opportunity to present
18 testimony in his behalf, and to confront the witnesses against him. Any person
19 whose certificate has been revoked, may after the expiration of ninety (90)
20 days apply to have his certificate regranted, and the same shall be regranted
21 to him upon his giving satisfactory proof that his disqualification has ceased to
22 exist.

Sec. 12. To shave or trim the beard or cut the hair of any person for hire
2 by the person performing such service or any other person, shall be construed
3 as practicing the occupation of barber within the meaning of this Act.

Sec. 13. Any person practicing the occupation of barber in this State without having obtained a certificate of registration, as provided by this Act, or willfully employing a barber who has not such a certificate or falsely pretending to be qualified to practice such occupation under this Act, or violating any of the provisions of this Act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars or by imprisonment in the county jail not less than ten (10) days nor more than ninety (90) days.

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- 1 Introduced by Mr. Morris, March 4, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Mines and Mining,
when appointed.

A BILL

For an Act to amend section 44 of "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899; as amended by Acts approved May 18, 1905, in force July 1, 1905; as amended by Acts approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 44 of an Act entitled "An Act providing that operators of mines shall furnish shot-firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905; as amended by Acts approved May 20, 1907, in force July 1, 1907.

6 SEC. 1. WHEN SHOT-FIRERS ARE TO BE FURNISHED.] In all mines in this State
7 where coal is blasted by powder or other explosives, and also in all mines

8 in this State where gas is generated in dangerous quantities, a sufficient num-
9 ber of practical, experienced men to be designated as shot-firers shall be em-
10 ployed by the company and at its expense, whose duty it shall be to inspect
11 and do all the firing of all blasts prepared in a practical, workmanlike manner
12 in said mine or mines.

13 Sec. 2. NOTICE OF NUMBER OF SHOTS FIRED—RECORD.] That shot-firers shall,
14 immediately after the completion of their work, post a notice in a conspicuous
15 place at the mine, in which shall be indicated the number of shots fired; also
16 the number of shots they did not fire, if any, specifying the number of the
17 room and designation of the entry, and giving reasons for not firing same. In
18 addition they shall also keep a daily permanent record, in which shall be en-
19 tered the number of shots or blasts fired, the number of shots or blasts fail-
20 ing to explode, and the number of shots or blasts in their judgment were not
21 properly prepared and which they refused to fire, giving reasons for the same;
22 the record to be in the custody of the mine manager and to be available for
23 inspection at all times by parties interested.

24 Sec. 3. WHEN SHOT-FIRERS MAY BLAST.] The superintendent or mine manager
25 shall not permit the shot-firers to do any blasting, exploding of blasts, or to
26 do any firing whatever, until each and every miner and employe is out of the
27 mine, except the shot-firers.

28 Sec. 4. PENALTY.] Any wilful neglect, refusal or failure to do the things re-
29 quired to be done by any section, clause or provision of this Act on the part of the
30 person or persons herein required to do them, or any violation of any of the
31 provisions or requirements hereof, or any attempt to obstruct or interfere with
32 any person in the discharge of the duties herein imposed upon them, or any re-
33 fusal to comply with the provisions of this Act, shall be deemed a misdemeanor,
34 punishable by a fine of not less than one hundred dollars, and not to exceed
35 two hundred dollars, or by imprisonment in the county jail for a period not

36 exceeding three months, or both, at the discretion of the court: *Provided*, that
37 whoever shall discover that any section of this Act, or part thereof, is being
38 neglected or violated shall report same to the Superintendent of the Mines and
39 ask immediate compliance therewith; and in case of continued failure to comply
40 shall, through the State's Attorney, or any other attorney in case of his failure
41 to act promptly, take the necessary legal steps to enforce compliance therewith
42 through the penalties herein prescribed.

- 1 Introduced by Mr. Morris, March 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to limit the meaning of the word “conspiracy” and also the use of “restraining orders” and “injunctions” based upon charges of “conspiracy” as applied to disputes between employers and employes in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no agreement, combination or contract by or
3 between two or more persons to do or procure to be done, or not to do or pro-
4 cure not to be done, any act in contemplation or furtherance of any trade or labor
5 dispute between employers and employes in the State of Illinois, shall be
6 deemed criminal, nor shall those engaged therein be indictable or otherwise
7 punishable for the crime of conspiracy, if such act committed by one person
8 would not be punishable as a crime, nor shall such agreement, combination or

9 contract be considered as in restraint of trade or commerce, nor shall any re-
10 straining order or injunction be issued with relation thereto. Nothing in this
11 Act shall be construed to authorize the use of force or violence, or threats
12 thereof.

- 1 Introduced by Mr. Lantz, March 4, 1909.
- 2 Read by title, ordered printed and ordered to lie on Speaker's table.

A BILL

For an Act amending sections 6 and 7-A of an Act entitled "An Act to provide for the punishment of persons, copartnerships or corporations forming pools, trusts and combines and mode of procedure and rules of evidence in such cases," approved June 11, 1891, in force July 1, 1891; and as amended by an Act approved June 20, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections six (6) and seven A (7-A) of an Act
3 entitled "An Act to provide for the punishment of persons, copartnerships or
4 corporations forming pools, trusts and combines and mode of procedure and
5 rules of evidence in such cases," approved June 11, 1891, in force July 1, 1891;
6 and as amended by an Act approved June 20, 1893, in force July 1, 1893, be
7 and the same are hereby amended to read as follows:

8 Sec. 6. Any purchaser of any article or commodity from any individual,
9 company or corporation transacting business *in this State* contrary to any of the
10 provisions of this Act shall not be liable for the price or payment of such article
11 or commodity and may plead this Act as a defense to any suit for such price or
12 payment, *and any such purchaser or other person claiming to be injured by rea-*
13 *son of any such pool, agreement, contract, combination, confederation or under-*
14 *standing may file a bill of complaint in equity in the nature of a bill of discovery*
15 *in the name of the People of the State of Illinois, upon the relation of any such*
16 *purchaser or person claiming to be injured, setting forth the facts of the exist-*
17 *ence of such pool, agreement, contract, combination, confederation or under-*
18 *standing and the manner in which such person claims to have been injured and*
19 *such person shall be entitled to have a temporary injunction issue against*
20 *any such person, co-partnership or corporation alleged to be a party to such*
21 *pool, agreement, contract, combination, confederation or understanding having*
22 *or claiming to have any claim against such purchaser or person claiming to*
23 *be aggrieved or injured restraining and enjoining them and each of them from*
24 *prosecuting said alleged claim or claims, and upon the trial of said cause and*
25 *upon the proof that any such person, copartnership or corporation is a party*
26 *to such pool, agreement, contract, combination, confederation or understand-*
27 *ing, such purchaser or person claiming to having been injured shall be entitled*
28 *to have any such alleged claim or demand of such person, copartnership or*
29 *corporation against such purchaser or aggrieved person cancelled, and he shall*
30 *be further permitted to prove whatever damages have been sustained by rea-*
31 *son of such pool, agreement, contract,, combination, confederation or under-*
32 *standing, and shall be entitled to have a decree entered for the amount of such*
33 *damages; and upon the final hearing the court shall grant a perpetual injunc-*
34 *tion against all such persons, copartnerships or corporations found to be do-*
35 *ing business in violation of this Act, restraining and enjoining them from fur-*
36 *ther continuation of such business in the State of Illinois.*

37 Sec. 7-A. It shall be the duty of the Secretary of State, on or about
 38 the first day of September of each year, to address to the president, secretary
 39 or treasurer of each incorporated company doing business in this State, whose
 40 postoffice address is known or may be ascertained, a letter of inquiry as to
 41 whether the said corporation has all or any part of its business or interests
 42 in or with any trust, combination or association of persons or stockholders,
 43 as named in the preceding provisions of this Act, and to require an answer,
 44 under oath of the president, secretary or treasurer or any director of said
 45 company. A form of affidavit shall be inclosed in said letter of inquiry, as
 46 follows:

47 State of Illinois, }
 48 County of..... } ss.

49 I.....do solemnly swear that I am the.....(president,
 50 secretary, treasurer or director) of the corporation known and styled.....
 51duly incorporated under the laws of the.....on the.....
 52 day of.....19... and now transacting or conducting business in the
 53 State of Illinois, and that I am duly authorized to represent said corporation
 54 in the making of this affidavit; and I do further solemnly swear that the said
 55known and styled as aforesaid has not, since the.....
 56 day of.....(naming the day upon which this Act takes effect) created,
 57 entered into or become a member of or a party to any pool, trust, agreement,
 58 combination, confederation or understanding with any other corporation, part-
 59 nership, individual or any other person or association of persons, to regulate
 60 or fix the price of any article of merchandise or commodity, and that it has
 61 not entered into or become a member of or a party to any pool, trust, agree-
 62 ment, contract, combination, confederation or understanding to fix or limit the
 63 amount of quantity or *quality* of any article, commodity or merchandise to be
 64 manufactured, mined, produced or sold in this State; and that it has not issued
 65 and does not own any trust certificates, and for any corporation, agent, officer

66 or employe or for the directors or stockholders of any corporation, has not
 67 entered into and is not now in any combination, contract or agreement with any
 68 person or persons, corporation or corporations, or with any stockholder or
 69 director thereof, the purpose and effect of which said combination, contract or
 70 agreement would be to place the management or control of such corporation,
 71 combination or combinations, or the manufactured product thereof, in the
 72 hands of any trustee or trustees with the intent to limit or fix the price or
 73 lessen the production and sales of any article of commerce, use or consump-
 74 tion, or to prevent, restrict or diminish competition in the manufacture, *pro-*
 75 *duction* or output or sale of any such article.

76
 77 (President, Secretary, Treasurer or Director.)

78 Subscribed and sworn to before me, a.....within and for the
 79 county of.....in the State of Illinois, the.....day of.....19...
 80

81 (Seal.) (Name of Officer.)

82 *And such affidavit shall be sworn to by some one of such officers of*
 83 *such corporation before some person in the State of Illinois, authorized to*
 84 *administer oaths, and any person who shall willfully, corruptly or falsely swear*
 85 *to such affidavit shall be guilty of perjury; and on refusal to make oath in*
 86 *answer to said inquiry, or for failure to do so within thirty days from the*
 87 *mailing thereof, the Secretary of State shall certify the fact to the Attorney*
 88 *General, whose duty it shall be to direct the State's attorney of the county*
 89 *wherein such corporation or corporations are located or doing business, and it*
 90 *is hereby made the duty of the State's attorney, under the direction of the*
 91 *Attorney General, at the earliest possible or practicable moment, in the name*
 92 *of the People of the State of Illinois, and at the relation of the Attorney Gen-*
 93 *eral, to proceed against such corporation for the recovery of a penalty of*
 94 *fifty dollars (\$50) for each day after the refusal to make oath, or failure*

95 to make said oath within thirty days from the mailing of said notice. Or, the
96 Attorney General may, by any proper proceedings in a court of law or chan-
97 cery, proceed upon such failure or refusal to forfeit such charter of such in-
98 corporated company or association incorporated under the general laws or by
99 any special law of this State, and to revoke the rights and enjoin the further
100 conduct of the business in this State of any foreign corporation located herein
101 *or doing or transacting business in this State.*

- 1 Introduced by Mr. King, March 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.

A BILL

For an Act to amend an Act entitled “An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,” as amended by Act approved Dec. 24, 1907, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,” as amended by Act approved Dec. 24, 1907, in force July 1, 1908, be, and the same is, hereby amended to read as follows:

Sec. 1. That the city council of each incorporated city, whether organized under general law or special charter, shall have power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and, upon the vote of the board of directors hereinafter

10 provided for, being certified to, said city council shall levy a tax to raise the
 11 amount so certified on all the taxable property in said city, but the amount so
 12 levied shall in no case exceed two mills on the dollar annually: Provided, that
 13 said annual library tax in cities of over fifteen hundred inhabitants shall not
 14 be included in the aggregate amount of taxes as limited by section one (1)
 15 of article eight (VIII) of "An Act for the incorporation of cities and villages,"
 16 approved April 10, 1872, and the amendatory of Acts thereto or by any provi-
 17 sion of any special charter under which any city in this State is now organized.

1 Introduced by Mr. Speaker, by request, March 4, 1909.

2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

For an Act to enable boards of education in cities having a population of 100,000 inhabitants, or more, to establish and maintain schools for dependent, neglected and delinquent children, and authorizing the manner of payment therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That, upon application by the board of education in
3 cities having a population of 100,000 inhabitants, or more, to the State Super-
4 intendent of Public Instruction, he shall grant permission to such board of
5 education, and such board of education shall thereupon be empowered to estab-
6 lish and maintain public schools for children, residents of such cities, who have
7 been found and adjudged to be dependent, neglected and delinquent under the
8 terms of an "Act to regulate treatment and control of dependent, neglected
9 and delinquent children," approved April 21, 1889, in force July 1, 1889, and
10 amendments thereto.

Sec. 2. For the purpose of establishing such school or schools in such cities, sites may be acquired or purchased, and buildings constructed, or premises rented, in the same manner as is provided in the case of other public schools in such cities.

Sec. 3. Such boards of education may acquire, by purchase or exchange, site or sites for such schools anywhere within the counties in which said cities are situated, in the same manner as is provided in the case of the purchase of public school sites in said cities, and authority is hereby expressly granted for this purpose.

Sec. 4. The cost of the necessary site or sites, building or buildings, shall be borne by such board of education, and shall be provided for out of the tax levy for building purposes, according to law.

Sec. 5. It shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

Sec. 6. Said board of education shall keep an accurate, detailed and separate account of all moneys paid out by it for the maintenance and instruction of the pupils committed to such schools and shall report the same, together with the names of pupils and the time each has been so committed, annually, on or before the first Monday in December, to the State Superintendent of Public Instruction, who shall, on or before the third Monday in December of each year, report to the Auditor of Public Accounts the excess of cost for each and every such pupil over the last ascertained average cost to such board of education for the instruction of normal children in the elementary public schools of said city for a like period of time of attendance, as such excess shall be determined and computed by said board of education. And said Auditor of Pub-

lie Accounts shall, on the first Monday in January in each year, out of the common school fund of the State, first apportion to the various counties wherein such school or schools are established the total amount of such excess for all pupils in such schools in said counties, and issue his warrant to the county superintendent of schools of each such county upon the collector thereof, and shall thereafter apportion the balance of said common school fund as is now provided by law.

Upon the presentation of said warrant for said excess by said county superintendent to the collector of his county, said collector, or treasurer, shall pay over to the county superintendent the amount of said warrant at the same time and in the same manner as is now provided by law for the payment of the State common school fund tax to said county superintendent.

It is hereby made the duty of the county superintendent of schools in any county wherein such school or schools are maintained to apportion and pay out the proceeds of said warrant for such excess to the treasurer, or other financial officer, of such board of education maintaining such school or schools, for the maintenance and instruction of dependent, neglected and delinquent children, immediately, upon demand in writing therefor being made upon him by said board of education, or any officer thereof.

Sec. 7. The board of education establishing and maintaining such school or schools may also employ a superintendent, all other necessary officers, agents and teachers for such schools, and shall prescribe the method of discipline and the course of instruction therein, and shall exercise the same powers and perform the same duties as are prescribed by law for the management of other schools, and, in addition thereto, shall have all power necessary to carry the terms and provisions of this Act into operation and effect.

Sec. 8. Any board of education which shall maintain one or more such school or schools for the instruction of said dependent, neglected or delinquent

3 children shall report to the State Superintendent of Public Instruction annu-
4 ally, and at other times, as often as said Superintendent shall direct, such facts
5 concerning such school or schools as he may require.

Sec. 9. No person shall be employed to teach any class or classes in
2 such school or schools who shall not have first obtained a certificate of quali-
3 fication for teaching in such school or schools as required by law.

Sec. 10. All Acts or parts of Acts inconsistent with this Act are hereby
2 repealed.

AMENDMENTS TO

46th Assem.

HOUSE—No. 237

May 1909

AMENDMENT NO. 1.

Amend the title of House Bill No. 237 by striking out the figures “\$100,000” and insert in lieu thereof the figures “\$10,000.”

AMENDMENT NO. 2.

Amend House Bill No. 237 in section 1 by striking out the figures “100,000” in line 3 of the printed bill and inserting in lieu thereof the figures “10,000.”

AMENDMENT NO. 3.

Amend House Bill No. 237 by striking out of lines 2 and 3 of the printed bill the words “anywhere within the counties in which said cities are situated.”

AMENDMENT NO. 4.

Amend House Bill No. 237 by striking out in section 6 of the printed bill beginning with the word “the” in line 4, all following down to and including the word “accounts” in line 7. Also by adding in line 8 after the word “pupil” the words “for each school year ending in June.” Also by adding after the word “education” in line 11 of the printed bill the words “to the Auditor of Public Accounts on or before the third Monday in August of each year.” Also by adding in line 12, after the word “shall” the words “thereupon issue his warrant payable to the board of education of such city out of any funds in the State treasury not

otherwise appropriated for.” Also by striking out all of line 12 beginning with the word “on” and all of line 13 and all of line 14 up to and including the word “established.” Also by striking out all of the balance of said section 6 after the word “counties” in line 15 thereof.

-
- 1 Introduced by Mr. Speaker, by request, March 4, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

For an Act to amend article VI of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889, as heretofore amended.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That article VI of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889, as heretofore amended, be, and the same is, hereby amended by adding thereto the following section, to be designated as section 30.

Sec. 30. Said board of education may establish and maintain normal schools, or schools for defective and delinquent children, parental schools, schools for blind, deaf, crippled and sub-normal children, anywhere within the

9 county in which said city is situated, and said board is empowered to ac-
10 quire, by purchase or exchange, site or sites for such schools in the same man-
11 ner as is provided in the case of the purchase of public school sites in said
12 city, and authority is hereby expressly granted for this purpose.

- 1 Introduced by Mr. Speaker, by request, March 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education, when appointed.

A BILL

For an Act to enable boards of education in cities having a population of 100,000 inhabitants, or more, to establish and maintain schools for deaf, dumb, crippled, blind, subnormal, convalescent and incipient invalid children, and authorizing the manner of payment therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That, upon application by the board of education
3 in cities having a population of 100,000 inhabitants, or more, to the State
4 Superintendent of Public Instruction, he shall grant permission to such board
5 of education, and such board of education shall thereupon be empowered to
6 establish and maintain public schools for deaf, dumb, crippled, blind, subnor-
7 mal, convalescent and incipient invalid children, residents of such cities.

Sec. 2. For the purpose of establishing such school or schools in such cities, sites may be acquired or purchased, and buildings constructed, or premises rented, in the same manner as is provided in the case of other public schools in such cities.

Sec. 3. Such boards of education may acquire by purchase or exchange site or sites for such schools anywhere within the counties in which said cities are situated, in the same manner as is provided in the case of the purchase of public school sites in said cities, and authority is hereby expressly granted for this purpose.

Sec. 4. The cost of the necessary site or sites, building or buildings, shall be borne by such board of education, and shall be provided for out of the tax levy for building purposes, according to law.

Sec. 5. It shall be the duty of the board of education to furnish such schools with such furniture, fixtures, apparatus and provisions as may be necessary for the maintenance and operation thereof.

Sec. 6. Said board of education shall keep an accurate, detailed and separate account of all moneys paid out by it for the maintenance and instruction of the pupils attending such schools, and shall report the same, together with the names of the pupils and the time of attendance at such schools, annually, on or before the first Monday in December to the State Superintendent of Public Instruction, who shall, on or before the third Monday in December of each year, report to the Auditor of Public Accounts the excess of cost for each and every such pupil over the last ascertained average cost to such board of education for the instruction of normal children in the elementary public schools of said city for a like period of time of attendance, as such excess shall be determined and computed by said board of education. And said Aud-

12 itor of Public Accounts shall, on the first Monday of January in each year,
13 out of the common school fund of the State, first apportion to the various
14 counties wherein such school or schools are established the total amount of such
15 excess for all pupils in such school in said counties, and issue his warrant to
16 the county superintendent of schools of each such county upon the collector
17 thereof, and shall thereafter apportion the balance of said common school fund
18 as is now provided by law.

19 Upon the presentation of said warrant of said excess by said county super-
20 intendent to the collector of his county, said collector, or treasurer, shall pay
21 over to the county superintendent the amount of said warrant at the same time
22 and in the same manner as is now provided by law for the payment of the
23 State common school tax fund of said county superintendent.

24 It is hereby made the duty of the county superintendent of schools in any
25 county wherein such school or schools are maintained to apportion and pay out
26 the proceeds of said warrant for such excess to the treasurer, or other finan-
27 cial officer of such board of education maintaining such school or schools for
28 the maintenance and instruction of deaf, dumb, crippled, blind, convalescent or
29 incipient invalid children, immediately, upon demand in writing therefor being
30 made upon him by said board of education, or any officer thereof.

Sec. 7. The board of education establishing and maintaining such school
2 or schools may also employ a superintendent, all other necessary officers, agents
3 and teachers for such schools, and shall prescribe the method of discipline and
4 the course of instruction therein, and shall exercise the same powers and per-
5 form the same duties as are prescribed by law for the management of other
6 schools, and, in addition thereto, shall have all powers necessary to carry the
7 terms and provisions of this Act into operation and effect.

Sec. 8. Any board of education which shall maintain one or more of such
2 school or schools for the instruction of said deaf, dumb, crippled, blind, sub-

3 normal, convalescent and incipient invalid children shall report to the State
4 Superintendent of Public Instruction annually, and at other times, as often as
5 said Superintendent shall direct, such facts concerning such school or schools
6 as he may require.

Sec. 9. No person shall be employed to teach any class or classes in such
2 school or schools who shall not have first obtained a certificate of qualifica-
3 tion for teaching in such school or schools as required by law.

Sec. 10. All Acts or parts of Acts inconsistent with this Act are hereby
2 repealed.

AMENDMENTS TO

46th Assem.

HOUSE—No. 239

May 1909

AMENDMENT NO. 1.

Amend the title of House Bill No. 239 by striking out the figures "100,000" and insert in lieu thereof the figures "10,000."

AMENDMENT NO. 2.

Amend House Bill No. 239 in line 3 of section 1 of the printed bill, by striking out the figures "100,000" and insert in lieu thereof the figures "10,000." Also in line 6 of section 1 after the word "blind" insert the word "truant."

AMENDMENT NO. 3.

Amend House Bill No. 239 in section 3 of the printed bill by striking out the words "anywhere within the counties in which said cities are situated," in lines 2 and 3 of the printed bill.

AMENDMENT NO. 4.

Amend House Bill No. 239 in section 6 of the printed bill by striking out beginning with the word "the" at the beginning of line 4 of the printed bill, all the words down to and including the word "accounts" in line 7. Also by adding in line 8 after the word "pupil" the words "for each school year ending in June." Also by adding in line 11 after the word "education" the words "to the Auditor of Public Accounts on or before the third Monday in August of each year." Also by adding in line 12 the word "shall" the words "thereupon issue his warrant payable to the board of education of such city out of any funds in the State treasury not otherwise appropriated for." Also by striking out all of line 12 beginning

with the word "on" and all of line 13 and all of line 14 up to and including the word "established." Also by striking out all of said section 6 after the word "counties" in line 15 thereof.

AMENDMENT NO. 5.

Amend the title of House Bill No. 239 by inserting in line 3 after the word "blind" the word "truant."

AMENDMENT NO. 6.

Amend House Bill No. 239 by inserting in section 8 of the printed bill the word "truant" in line 2 after the word "blind."

- 1 Introduced by Mr. Speaker, by request, March 4, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

An Act to amend section 202, article VIII, of an Act entitled "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889; as amended by an Act approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 202, article VIII, of an Act entitled "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889, as amended by an Act approved April 21, 1899, in force July 1, 1899, be amended so as to read as follows:

6 Sec. 202. For the purpose of establishing and supporting free schools for
7 not less than six nor more than nine months in each year, and defraying all
8 the expenses of the same of every description, for the purpose of repairing and
9 improving school houses, of procuring furniture, fuel, libraries and apparatus.

10 and for all other necessary incidental expenses in each district, village or city,
11 anything in any special charter to the contrary notwithstanding; the directors
12 of such district and the authorities of such village or city shall be authorized
13 to levy a tax annually upon all the taxable property of the district, village or
14 city not to exceed two and one-half per cent for educational, and two and one-
15 half per cent for building, purposes (except to pay indebtedness contracted
16 previous to the passage of this Act), the valuation to be ascertained by the last
17 assessments for State and county taxes: *Provided*, that in cities having a pop-
18 ulation exceeding one hundred thousand inhabitants the board of education may
19 establish, and maintain, vacation schools and play grounds under such rules as
20 it shall prescribe: *And, provided, further*, that nothing herein contained shall
21 be held to repeal or modify the limitations contained in section forty-nine (49)
22 of an Act entitled "An Act for the assessment of property and providing the
23 means therefor, and to repeal a certain Act therein named," approved Feb. 25,
24 1898: *And, provided, further*, that the term incidental expenses, as herein used,
25 shall not include any sum expended or obligation incurred for the improve-
26 ment, repair or benefit of the school buildings or property, but all such sums
27 and obligations shall be paid from that portion of the tax levied for building
28 purposes: *And, provided, further*, that in cities of less than 100,000 inhabitants
29 no election or position shall be necessary to authorize the levy of a tax for the
30 ordinary repair and improvement of school buildings or grounds or for the
31 payment of any special tax or special assessment levied upon such property.

-
- 1 Introduced by Mr. Alschuler, March 9, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act requiring common carriers of freight to provide and maintain side-tracks and connections for lateral branch railroad and shippers and receivers of freight.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Any railroad being a common carrier of freight sub-
3 ject to the provisions of this Act, upon application of any lateral, branch line
4 of railroad, or of any shipper tendering or receiving freight or merchandise in
5 carload lots, shall construct, maintain and operate, upon reasonable terms, a
6 switch connection with any such lateral, branch line of railroad or provide side-
7 track which may be constructed to connect with its railroad, where such con-
8 nection is reasonably practicable and can be put in with safety and will fur-
9 nish sufficient business to justify the construction and maintenance of the same;
10 and shall furnish cars for the movement of such traffic to the best of its ability
11 without discrimination in favor of or against any such shipper.

Sec. 2. If any common carrier shall fail to install and operate any such
2 switch or connection as aforesaid, on application therefor in writing by any
3 lateral, branch railroad, shipper or receiver of traffic, such lateral, branch rail-
4 road, shipper or receiver of traffic may make complaint to the Railroad and
5 Warehouse Commission, and the Commission shall hear and investigate the same
6 and shall determine as to the safety and practicability thereof and justification
7 and reasonable compensation therefor, and the Commission may make an order,
8 directing the common carrier to comply with the provisions of this section, in
9 accordance with such order, and such order shall be enforced as other orders
10 of the Commission may be enforced, and said Commission, if it shall decide that
11 such sidetrack shall be provided by such common carrier, may begin proceed-
12 ings in any circuit court having jurisdiction over such railroad company to com-
13 pel such railroad company to provide such sidetrack.

Sec. 3. Upon such sidetrack being provided and installed, as hereinbefore
2 provided, the same shall be the property of the common carrier providing the
3 same, and the care thereof shall remain with such common carrier and such
4 common carrier shall assume all liabilities and responsibilities upon such side-
5 track the same as though such sidetrack were a part of its main line of railroad.

- 1 Introduced by Mr. Beck, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 1 of an Act entitled "An Act to revise the law in relation to divorce," approved March 10, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled "An Act to revise the law in relation to divorce," approved March 10, 1874, in force July 1, 1874, be, and the same is, hereby amended so as to read as follows:

Sec. 1. That in every case in which a marriage has been, or hereafter may be, contracted and solemnized between any two persons, and it shall be adjudged, in the manner hereinafter provided, that either party at the time of such marriage was, and continues to be, naturally impotent; or that he or she had a wife or husband living at the time of such marriage; or that either party has committed adultery subsequently to the marriage; or has wilfully deserted or absented himself or herself from the husband or wife without any reasonable cause for the space of two years; or has been guilty of habitual

13 drunkenness for the space of two years; or has attempted the life of the other
14 by poison or other means showing malice, or has been guilty of extreme and
15 repeated cruelty, or has been convicted of felony or other infamous crime, or
16 that he or she is a hopeless lunatic or *non compos mentis*, it shall be lawful for
17 the injured party to obtain a divorce and dissolution of such marriage con-
18 tract.

- 1 Introduced by Mr. Campbell, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same is hereby amended by adding the following thereto:

Twelfth—The property not to exceed eight hundred dollars in actual value, of any honorably discharged union soldier, or sailor of the Mexican War, or of the War of the Rebellion, or of the widow remaining unmarried of such soldier or sailor. It shall be the duty of every assessor annually to make a list of all such soldiers, sailors and widows, and to return such list to the county clerk

11 upon forms to be furnished by such clerk for that purpose; but the failure on
12 the part of any assessor so to do shall not affect the validity of any exemption.
13 All soldiers, sailors or widows thereof referred to herein, shall receive a re-
14 duction of eight hundred dollars at the time said assessment is made by the
15 assessor unless waiver thereof is voluntarily made of said exemption at said
16 time; but this exemption shall not apply in the case of any soldier or sailor or
17 the widow of such soldier or sailor, owning property of the actual value of five
18 thousand dollars (\$5,000.00) or where the wife of such soldier or sailor owns
19 property to the actual value of five thousand dollars (\$5,000.00).

- 1 Introduced by Mr. Chipperfield, March 9, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to provide for the expenses of the committee heretofore authorized by joint resolution of the House and Senate of February 24, 1909, to be appointed to investigate the interests of the State of Illinois in certain public lands in said joint resolution referred to, and making an appropriation of fifteen thousand (\$15,000.00) dollars therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* For the purpose of paying the expenses hereafter to be incurred by the joint investigating committee to inquire into the rights of the public in certain lands heretofore authorized to be appointed by joint resolution of the House of Representatives and the Senate of Illinois, which said joint resolution passed the House of Representatives on February 24, 1909, and passed the Senate of Illinois on February 24, 1909, and for the purpose of paying the incidental expenditures connected with said investigation,

9 there is hereby appropriated for the use of said committee the sum of fifteen
10 thousand (\$15,000.00) dollars, or so much thereof as may be required. Five
11 thousand (\$5,000.00) dollars of said amount shall only be authorized to be used
12 by said committee for the purpose of employing engineers, collecting and com-
13 piling data, making maps, plats and diagrams and in surveying said lands and
14 in procuring abstracts, maps, field notes, surveys and other records, and in
15 the compilation of engineer's and surveyor's reports, as required by said joint
16 resolution to be made to the Governor of the State and to the 47th General
17 Assembly. Ten thousand (\$10,000.00) dollars of said appropriation shall be
18 available as hereinbefore stated for the general purposes of said committee.
19 All expenditures of said committee shall be certified to by the chairman of the
20 said committee and the Speaker of the House of Representatives, or the Lieu-
21 tenant-Governor of Illinois.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrants upon the State Treasurer for the sums herein specified
3 upon presentation of proper vouchers so certified as aforesaid, and the State
4 Treasurer shall pay the same out of any funds in the State treasury not other-
5 wise appropriated.

Sec. 3. WHEREAS, The appropriation above cited is necessary for the ex-
2 penses incurred in the transaction of the business of the Forty-sixth General
3 Assembly and it being expedient that said investigation should be commenced
4 at the earliest possible date, therefore, an emergency exists, and this Act shall
5 take effect from and after its passage.

- 1 Introduced by Mr. Donahue, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Farm Drainage.

A BILL

For an Act to provide for the organization of drainage districts for the purpose of constructing, repairing and protecting drains, ditches and levees for agricultural, sanitary and mining purposes and providing means therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That drainage districts may be organized and es-
3 tablished as herein provided.

Sec. 2. Whenever a majority of the owners of land in fee within a district
2 proposed to be organized who are of lawful age and capable of making a
3 deed of conveyance and who represent two-fifths in area of the land to be re-
4 claimed or benefited, or whenever two-fifths of the owners of land in fee with-
5 in the proposed district sought to be organized and such owners shall have
6 arrived at lawful age and are capable of making a deed of conveyance and
7 who represent a major portion of the land in area to be reclaimed or benefited.

8 desire to construct a drain or drain ditch or ditches, levee or levees, or other
9 work across the lands of others for agricultural, sanitary or mining purposes,
10 or for the purpose to maintain and keep in repair any such drain or drains,
11 ditch or ditches, levee or levees heretofore constructed under any law of the
12 State, or to establish in said district a combined system of drainage or pro-
13 tection from overflow, independent of levees, for agricultural, sanitary or
14 mining purposes and to maintain the same by special assessments upon the
15 property benefited thereby, such owners may organize any such district in the
16 following manner:

17 (a) Such owners may file a petition in the circuit or county court of
18 the county where the greater part of the land to be affected by said proposed
19 district shall lie. The petition shall be signed by the requisite number of
20 land owners and who own the requisite area as herein provided. Said petition
21 shall state the name of the said proposed drainage district, and the said
22 petition shall specifically state by proper allegation the necessity for such
23 drainage district, together with a description of the proposed starting point
24 or points, the route and terminus of the work, and a general description of
25 the lands proposed to be affected. The said petition shall also state the names
26 of the owners in fee of the said lands, if known, and if not known, the names
27 of the occupants of the lands shall be given and stated in the petition that the
28 names of the owners are not known.

29 (b) If the purpose of the said owners is the repair and maintenance of a
30 ditch or ditches, levee or levees, or other work for the purpose of agricultural,
31 sanitary or mining purposes, and heretofore constructed by mutual agreement
32 of the parties, or under any law of the State, then one-third of the owners of
33 the said land owning one-third of the area of said land within the district pro-
34 posed to be organized, may petition the county or circuit court for an organ-
35 ization of said district by filing a petition in either of said courts, setting
36 forth the name of the proposed district, the necessity for an organization of

37 said district and a particular description of the starting point or points and
38 terminus of said district.

39 The said petition shall also state the probable cost of said improvement,
40 including all incidental expenses and the cost of proceeding therefor.

Sec. 3. Such petition shall be filed in the office of the circuit or county
2 court as the case may be, and such clerk shall issue a summons directed to
3 the sheriff of the county where the owners of the lands reside who are not
4 petitioners, or in case when such owners reside in different counties, the clerk
5 shall issue a summons to the sheriff, directing such sheriff to serve those re-
6 siding in his county by reading and leaving a copy as in chancery cases, and
7 said summons shall be returned within 30 days after the issuing of the same,
8 and shall be served 10 days before hearing. If any of the owners of land are
9 non-residents of the State of Illinois, or their residence is unknown, the clerk
10 shall cause a notice of the pendency of the said petition to be published, stat-
11 ing that a petition has been filed, the purposes of the petition and the names
12 of the owners of the land within the proposed drainage district, and the day
13 set for hearing, and the said clerk shall require an affidavit of the petitioners
14 or any of them, setting forth the names and places of the non-resident land
15 owners, and a statement that the names and places of any of the land owners
16 are unknown. The clerk shall mail a copy of the notice to all the land owners
17 not petitioners within ten days after the first publication. Such notice shall
18 not be required if all the land owners not petitioners are personally served
19 with summons.

Sec. 4. The circuit or the county court, as the case may be, shall hear and
2 determine all such petitions, either in term time or in vacation and such causes
3 may be heard forty-two days after the petition has been filed if all owners
4 of lands not petitioners have been served twelve days before such time and if

5 all are not served the court shall continue the cause until all persons not pe-
6 titioners shall be duly served.

Sec. 5. The petitioners in all such petitions shall be known as the plain-
2 tiffs and all other persons not petitioners shall be known as defendants. The
3 said defendants shall file their answer to said petition eight days before said
4 cause is set for hearing, either admitting or denying the allegations of the
5 petition and the petitioners shall, within four days after filing said petition,
6 file a replication as in chancery cases. The court may grant leave to amend
7 petition or answers, or further time to plead as in chancery cases and may ad-
8 journ the hearing from time to time.

Sec. 6. When the issues are made up by the proper pleading the court will
2 set the cause down for a hearing and all the defendants through and upon
3 whose lands any of the proposed work may be constructed or whose land may
4 be damaged or benefited thereby, may appear and contest the necessity or
5 utility of the proposed work or any part thereof, may question the sufficiency
6 of the petition as to any of the allegations set forth in said petition and de-
7 nied by answer and the complainants and defendants may offer any com-
8 petent evidence under the pleadings, as in other cases. All such issues shall
9 be tried by a jury drawn in the same manner as juries are drawn for the trial
10 of common law actions at any regular term of the circuit or county court.
11 The jury chosen and selected to try the cause shall be the sole judges of the
12 facts and the court shall, upon request of any of the parties to said cause, in-
13 struct the jury in writing upon questions of law and shall also require the jury
14 to bring in a special verdict on each of the material allegations of the said
15 petition. If each of the material allegations is found in favor of the petition
16 the court shall then enter a judgment upon the verdict.

Sec. 7. If the verdict of the jury and the judgment of the court is in
2 favor of the petition the complainants in said petition shall name one person
3 who shall act as commissioner, the defendants shall name one person who shall
4 act as commissioner, and the sheriff of the county where said suit is pending
5 shall name one person who shall be commissioner. The persons so named
6 shall act as commissioners and shall be in no way interested in the proposed
7 improvement or related to any of the parties interested in the same, and if
8 any of the said commissioners are incompetent as above specified, objections
9 may be filed in the court where said petition is pending, within three days after
10 such appointment and the court shall hear and determine said objections and
11 if the court finds that said objections are sustained, then said party must
12 name another commissioner who is competent to act and make oath as to such
13 competency and no objection can be made to the competency of the person so
14 named. Such commissioners shall be named within three days after the court
15 enters a judgment on the verdict and if any of the parties fail to make such
16 appointment within the time specified then the judge before whom the case is
17 pending may make such appointment.

Sec. 8. The said commissioners shall take oath as required by the Con-
2 stitution and laws of this State, before the judge before whom the cause is
3 pending, before they enter upon the duties of their office and shall then pro-
4 ceed to organize by electing one of the members as chairman and secretary
5 and each of the said commissioners shall hold office until his successor is chosen
6 as provided by law and shall perform all the duties as is required of them by
7 law; and the said commissioners and their successors shall perform their
8 duties without favor or partiality and shall render a true account to the court
9 appointing said commissioners, at least once in each year and at such other
10 times as the court may require. Two of said commissioners shall constitute a
11 quorum, and a concurrence of any two of their number in any matter within
12 these duties shall be sufficient.

Sec. 9. As soon as may be after their appointment, or within such time
 2 as the court may direct, the commissioners shall examine the land of the peti-
 3 tioners proposed to be drained or protected, and the lands over or upon which
 4 the work is proposed to be constructed, and determine:

5 *First*—If drainage and levee work is proposed in the petition, whether the
 6 starting point, route and terminus of the proposed work and the proposed loca-
 7 tion thereof, is or are in all respects proper and feasible, and if not, what is
 8 or are so.

9 *Second*—The probable cost of the work mentioned in the petition, includ-
 10 ing all incidental expenses, and the cost of the proceedings therefor.

11 *Third*—The probable annual cost of keeping the same in repair after the
 12 work is completed.

13 *Fourth*—What lands will be injured by the proposed work, and the
 14 probable aggregate amount of all damages such lands will sustain by reason
 15 of the laying out and construction of such work.

16 *Fifth*—What lands will be benefited by the construction of the proposed
 17 work, and whether the aggregate amount of benefits will equal or exceed the
 18 cost of constructing such work, including all incidental expenses, costs of pro-
 19 ceedings and damages.

20 *Sixth*—Whether the proposed district, as set out in the petition filed, will
 21 embrace all the lands that may be damaged or benefited by the proposed work,
 22 and if not, to report what additional lands will be so affected.

23 *Seventh*—In case the prayer of the petition is for the purpose of repairing
 24 and maintaining a levee or levees, ditch or ditches, heretofore constructed by
 25 agreement or under any law of this State, it shall be the duty of the commis-
 26 sioners to examine the said levee or levees, ditch or ditches, and the lands
 27 intended to be reclaimed thereby, and to report to the court—

28 First—Whether, in their opinion, said levee or levees, ditch or ditches
 29 can, with proper repairs, be made sufficient to protect permanently said lands
 30 from overthrow from high water or to drain the same.

31 Second—The probable annual expense of keeping the same in such re-
 32 pair.

33 Third—What lands will be benefited thereby, and the probable aggregate
 34 amount of such benefits.

35 Fourth—Whether the aggregate annual amount of benefits will equal or
 36 exceed the annual costs of such repairs, including all incidental expenses and
 37 costs of proceeding; and,

38 Fifth—Whether the proposed district will embrace all the lands that may
 39 be benefited by the maintenance of such levee or ditch, or combined system
 40 of drainage; and if not, to report what additional lands will be so affected,
 41 giving description and the names of the owners thereof, which report shall
 42 be filed with the clerk of said court.

Sec. 10. If the jury should find a verdict against the petitioners it is the
 2 duty of the court to dismiss the petition at the cost of the petitioners; or if
 3 the verdict and judgment is in favor of the complainants or petitioners, but
 4 the commissioners shall find that such cost, expense and damages are more than
 5 equal the benefits which may inure to the lands in general of said district, by
 6 reason of the proposed work, they shall so report to the court and the proceed-
 7 ings shall be dismissed at the cost of the petitioners.

8 All deed or deeds or transfers made for the purpose of organizing any
 9 drainage district shall be null and void, and all promises made by a petitioner
 10 or promoter to any petitioner to induce any petitioner to sign said petition is a
 11 fraud on the court, and proof of any of the facts in this section may be made
 12 without any formal plea, and if such facts are true, such petitioner shall be
 13 dismissed unless there remain a sufficient number of petitioners with the re-

14 quired area without such petitioners who received such transfer or to whom any
15 such promise was made.

Sec. 11. If the commissioners shall find that the proposed work, or such
2 portion of the same as will be satisfactory to the complainants, and a work
3 of like nature on lands they propose to annex to said district, can be done at
4 a cost and expense not exceeding such benefits, and if such lands are brought
5 into said district under the conditions, restrictions and privileges of this Act,
6 they shall proceed to have the proper surveys, profiles, plats, plans and spe-
7 cifications thereof made; and they shall report the starting point, route and
8 termini of the levee, ditch, ditches or drains or other work, and the dimen-
9 sions of the same, and what ditches or parts thereof should be opened or tiled,
10 and the size of the tile, if any is required, and shall report their conclusions,
11 and a copy of such surveys, profiles, plats, plans and specifications to the court
12 which appointed them.

Sec. 12. The commissioners shall not be confined to the point of com-
2 mencement, route or termini of the drains or ditches, or to the number, extent
3 or size, or to the manner of constructing the same, or the location, plan or ex-
4 tent of territory of any levee, ditch or other work, to that proposed by the peti-
5 tioners, but shall locate, design, lay out and plan the same in such manner as
6 they shall think will drain or protect the lands of the complainants, and defend-
7 ants with the least damage and greatest benefit to all the lands affected thereby;
8 but no such change shall be made by said commissioners without the written
9 consent of two-thirds of all the owners of land within said district, owning two-
10 thirds of said lands, and such consents shall be filed with the clerk of the court
11 and recorded at large on the records of the court.

Sec. 13. Any person or persons owning lands adjoining, or contiguous to,
2 said proposed district, may, at any time, by application in writing to said com-

missioners, annex his lands to said district and the said commissioners shall indorse on said application that the lands embraced in the application is annexed to the district and shall file the same with the clerk of the court before which the proceedings are pending, and shall spread the same upon the records, and the said commissioners shall assess the said lands for benefits or damages as other lands in said district, and in case the original improvement has been paid for, or assessments have been made, the lands so annexed shall be assessed for benefits "for the original improvement" the same as if said lands were originally embraced in said district.

Sec. 14. The commissioners shall, upon the performance of the duties heretofore imposed upon them, file with the clerk of the court before whom said proceedings are pending, their report, and the said clerk shall cause a three weeks' notice to be given, addressed "To all persons interested," to be published in a newspaper of general circulation in the county in which the suit is pending, and in each county where any of the land embraced in the district is located, and shall send a copy of said notice to the postoffice address of each of the defendants, if known. The notice herein required to be given shall state the time said report was filed, that a plat and a description of the work laid off and proposed to be constructed is on file in the office of the clerk of said court, and what day application will be made for the confirmation of such report, at which time all persons interested may appear and contest the confirmation of said report or show that additional drains, ditches or other work should be constructed, or that the report ought to be modified in any particular, and offer any competent evidence in support thereof, and any objector may demand a trial by jury as to any disputed facts in said report.

Sec. 15. If, upon a hearing, no objections are filed, and if filed, and the jury, if tried by a jury, finds the objections are not well taken, or if tried by the court, and the court finds that the objections are not well taken, the court

4 shall confirm said report. If it shall be found, either by the court or jury,
 5 that additional ditches, drains or outlets, not named in the report, are neces-
 6 sary, or that the report ought to be modified in any particular, and the court
 7 is sufficiently informed in the premises, the court shall modify the said report
 8 to conform to the equities in the premises, or if the court is not sufficiently in-
 9 formed it shall order the commissioners to review and correct their report and
 10 may make specific directions in what respect they shall reform their report, but all
 11 such modifications or directions shall conform to the finding of the jury, and
 12 the court may continue the cause for hearing or any other lawful purpose.

Sec. 16. If the report is referred back to the commissioners for amend-
 2 ment the court may fix a day when the commissioners shall again present their
 3 report, in which case the hearing shall stand adjourned until that day, and no
 4 further notice that the notice provided in section 14 shall be required. If no
 5 day shall be fixed for such report, then the said cause shall be continued for
 6 thirty days, when it shall stand for hearing.

Sec. 17. If, after hearing all objections and all applications for annexa-
 2 tion are duly recorded and filed, and all the steps required by the statute have
 3 been complied with, the court shall declare the district duly organized by an order
 4 duly entered of record, which order may be substantially in the following
 5 form:

6 County court or circuit court of.....county, term,
 7 A. D. 19..... In the matter of the petition of (here insert names of the peti-
 8 tioners), this day the report of.....commissioners, heretofore appointed
 9 by this court to examine the lands of the petitioners for the purposes speci-
 10 fied in the petition filed in this cause, having been filed, and it appearing to
 11 the court that due notice has been given to all persons interested, for the
 12 length of time and in the manner required by law, of the application to this

13 court for the confirmation of said report, and the court having duly examined
 14 said report and considered all objections to the same. It is ordered by the
 15 court that the report of said commissioners (or if said report has been modi-
 16 fied by the court, say "as modified by the court,)" be and the same is hereby
 17 confirmed; and the court further finds that the work proposed in said petition
 18 to be done will be useful for agricultural, sanitary or mining purposes to the
 19 owners of lands within said proposed district, and the court also finds that the
 20 persons who have signed said petition are of lawful age, and are a majority of
 21 the land owners, and who represent one-third in area of the land to be effected
 22 by such proposed work. And the court further finds that said drainage dis-
 23 trict of the corporate name mentioned in said petition, viz....., bounded
 24 as follows:, is duly established as provided by law.
 25County Judge or Circuit Judge.
 26 and the court shall order the petition, answers and all supplemental petitions
 27 and answers to be recorded at large in a record to be kept for that purpose,
 28 together with the findings of the jury, the orders of the court, the notices and
 29 summons, and the report of the commissioners, together with all plats and sur-
 30 veys made by them, and other papers in the case directed by the court to be
 31 recorded, and upon entering such order and proceedings of record, the said
 32 district is hereby declared, as a matter of law, to be legally organized as a
 33 drainage district by the name mentioned in the petition; and with the bound-
 34 aries fixed by the order confirming the report of the said commissioners and
 35 the said district is hereby declared to be a body politic and corporate by the
 36 name mentioned in said petition and order of the said court, with a right to
 37 sue and be sued and to have perpetual succession, and may adopt and use a
 38 corporate seal, and the commissioners appointed as aforesaid and their suc-
 39 cessors in office shall form the entry of said order of confirmation, constitute
 40 the corporate authorities of said district, and shall exercise all the powers and
 41 authority conferred upon them by law.

Sec. 18. When the said district is declared by the court to be organized as a drainage district, the legal existence of said district shall not be attacked in any collateral proceedings, nor in any proceedings for the assessment of benefits or damages, and the only way the legal existence of said district can be questioned after the entry of the order, declaring said district fully organized, is by quo warranto, and any defendant, or any other person, who succeeds to the ownership of the land of any the defendants may begin such quo warranto proceedings without the consent of any person or officer; but any defendant or defendants may appeal or sue out a writ of error from any final order in the proceedings.

RIGHT-OF-WAY.

Sec. 19. The said commissioners shall then proceed to secure the right-of-way for the proposed ditches, drains, levees, or other work within said district. The said commissioners shall, if possible, secure said right-of-way by agreement with the owners of land through whose land said ditches, drains, levees, or other works, extend and are hereby authorized to acquire said right-of-way by donation or by purchase. The said commissioners shall also compromise with the owners of land who may be damaged by reason of the proposed work. The said commissioners are hereby expressly forbidden from securing said right-of-way by any promise to be performed in the future in any way connected with the assessment of benefits against the lands of such owners, and the said commissioners are likewise forbidden from securing a release of damages by any promise to be performed in the future in any way connected with the assessment of benefits against the lands of such owner, and any commissioners who secure such right-of-way or the release of damages by any such promise may be removed by the court on the complaint of any one interested, and the right-of-way acquired, or the release of damages secured when any such prom-

ise has been made shall be null and void. The said commissioners shall report to the court the right-of-way that may be secured by donation or by purchase and the amount agreed to be paid for the acquisition of such right-of-way and also report to the court the release of damages acquired and the amount to be paid for such release; and shall also report the right which can not be acquired by donation or purchase and the probable cost of such right-of-way, and also the lands damaged, and the probable amount to acquire and settle such damages. If the court approves said report the said commissioners may acquire such right-of-way and release of damages so agreed upon.

Sec. 20. If, upon the making of such report, there are owners of lands whose lands are sought to be taken or damaged for the purpose of said drainage district, whose damages can not be agreed upon, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the State, the court shall direct the said commissioners to cause the said lands to be condemned and assess said damages, both for land taken and not taken, under the provisions of the eminent domain law of the State entitled: "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872, in force July 1, 1872, and all amendments thereto.

Sec. 21. After the damages, both for land taken and not taken, have been agreed upon and approved by the court or condemned and assessed as herein provided, the said commissioners shall be sworn to faithfully and impartially make an assessment of the benefits to the lands embraced in the proposed district. They shall go upon such lands in said district and examine said lands, and to the best of their judgment and ability ascertain the benefits which will be sustained by, or which will accrue to, the lands affected by said proposed work, and shall make out an assessment roll in which shall be set down in

9 proper column the names of the owners, when known, a description of the prem-
10 ises affected, in words and figures, or both, as shall be most convenient, the
11 number of acres in each tract and the amount of benefits which each tract will
12 receive.

Sec. 22. In making such assessment, the commissioners shall assess the
2 benefits in favor of and against each tract separately in the proportion in
3 which such tract of land will be benefited and in no case shall any tract of land
4 be assessed for benefits in a greater amount than its proportionate share of the
5 estimated cost of the work and the expense of the proceedings, nor in a greater
6 amount than it will be benefited by the proposed work according to the best
7 judgment of the commissioners; and in case any assessment is not paid for any
8 cause whatever, and the said assessment can not be enforced by any proceed-
9 ings, the said commissioners shall re-assess such property and said assessment
10 shall be collected in the same manner as any original assessment. All additional
11 assessments shall be made in the same manner as the assessment of benefits
12 herein provided.

Sec. 23. When the commissioners shall have completed their assessment of
2 benefits, the said assessment roll shall be filed in office of the clerk of the court
3 where said proceedings are pending, and the judge of said court shall fix a time
4 for a hearing of said assessment, but the time fixed shall not be less than fif-
5 teen days from the time of filing said assessment roll. The clerk of said court
6 should mail a notice to all the parties assessed within five days after the time
7 fixed by the court for a hearing of the said assessment, and the said notice shall
8 state that said assessment roll has been filed and that the assessment roll shall
9 be confirmed on the day fixed for a hearing, unless the said assessment roll is
10 objected to by the person or persons assessed. If the court does not set the cause
11 for a hearing the day the assessment roll is filed, the roll can not be heard until
12 the lapse of fifteen days from the day the roll was set for a hearing by the

13 court. The said notice shall also be published for, at least, one week in a
14 newspaper in the county before the time for hearing. The court may continue
15 the hearing for any cause but no other notice is necessary if the original notice
16 is sufficient. All such notices shall be entered of record in the office of the
17 clerk of the court.

Sec. 24. The commissioners shall appear at the time and place specified,
2 and if any of the parties whose land have been assessed for benefits shall object
3 to the assessment or benefits against any tract of land and the commissioners
4 refuse to remove the cause of objection, the court shall set down each objection
5 for a hearing and the objector shall be entitled to have said assessment of bene-
6 fits and objections thereto tried by a jury drawn and selected in the same man-
7 ner as if drawn for a regular term of any court of record. The only question
8 submitted to a jury under this section is the question of benefits, and the jury
9 shall, in their finding, fix the benefits accruing to each objector, and such find-
10 ing shall be binding on the commissioners as to such benefits.

Sec. 25. If any party interested thinks that the commissioners assessed any
2 lands within the district too low, the said interested party may file objection, and
3 the objection shall be heard as provided in section 24 of this Act. If the jury
4 should increase the benefit, the assessment roll shall be corrected to the extent
5 of the change made by the finding of the jury.

Sec. 26. Such hearing shall be in open court, and the commissioners and
2 the objectors may introduce any competent evidence in favor of the assessment
3 of benefits, or against the assessment made. The commissioners shall not be
4 competent witnesses to sustain the assessment as made, but the assessment as
5 made by them is to be taken as *prima facie* correct. Upon a final determination
6 of the objections, the court shall cause any change to be made in the roll on
7 account of said objections and then confirm the said assessment roll. Upon request

8 of either of the parties, the jury shall go and examine said lands, but the said
9 jury shall be in charge of an officer and neither the commissioners or their at-
10 torneys or agents, or the objector or his attorney or agent shall be permitted
11 to converse with said jury. If no objection is made at the time set by the court
12 for a hearing, said assessment shall be confirmed by the court on the day follow-
13 ing the day set for hearing.

Sec. 27. The said assessments shall be paid in three equal installments.
2 The first installment shall be paid within thirty days from the confirmation of
3 the assessment roll. The second installment shall be due one year from the
4 date of the confirmation of the assessment roll, and the third installment shall
5 be due two years from the date of the confirmation of the assessment roll; and
6 each of said two installments shall draw five per cent interest from the time
7 of the confirmation of the same until paid; Any person whose lands are
8 assessed may pay any of said installments before due and interest shall cease
9 from the time of said payment or tender of payment.

Sec. 28. Said assessments shall be a lien upon the lands owned, as other
2 taxes, and such lien shall continue until said assessments are paid; and the
3 proceedings of the court in which such lands are situated shall be a sufficient
4 notice of such lien. If any of the lands is located in another county, the as-
5 sessment roll, or the part affecting the land in the other county, shall be filed in
6 the recorder's office wherein such land is located.

Sec. 29. When the assessment against any tract has been fully paid, it
2 is hereby made the duty of the treasurer of said district to execute a release
3 of said assessment and deliver the said release to the owner of the land whose
4 assessment is fully paid, and said release shall be filed for record in the re-
5 corder's office of the county where the lands released are located.

Sec. 30. In case where a levee or ditch has been heretofore built by
 2 agreement or under any law of this State, or may hereafter be built under
 3 the provisions of this Act, the annual payment of benefits for keeping the same
 4 in repair shall never exceed a sum greater than would be produced by 25
 5 cents per acre on all the lands within the district; and all such assessments
 6 shall be made before the first day of August each year, and shall be due and
 7 payable on the first day of September after the said assessments are made.
 8 The said annual assessment shall be confirmed by the court, and all objec-
 9 tions disposed of by the court before the first day of August each year; and
 10 said assessment, when confirmed, shall be a lien upon the lands assessed from
 11 the time of confirmation until paid and shall draw interest at the rate of five
 12 per cent per annum from the first day of September each year until paid.

Sec. 31. In case drainage and levee work is proposed by any petition,
 2 and said petition shows that the levee, drain or ditches is in a bad state of
 3 repair, the commissoiners may make an assessment to repair said levees,
 4 drains or ditches; but said assessment shall not in the aggregate amount to a
 5 sum in any one year greater than would be produced by thirty cents per acre
 6 on all the lands within the district. Annual assessments may be made as pro-
 7 vided in section 30 of this Act, and subject to the same conditions and provi-
 8 sions of said section. All assessments made under this section shall be a lien
 9 on the land, as provided in section 30 of this Act, and is subject to all other
 10 conditions and provisions of said section.

Sec. 32. All money raised under sections 30 and 31 may be used to com-
 2 plete the construction of levees, ditches or drains, or other works.

Sec. 33. The court in which the proceedings are had shall require from
 2 said commissioners a report of the condition of the levee, drain or ditches on

3 the first Monday of June each year, together with an estimate of the amount
4 necessary to keep the levee or ditch in repair, pay all the incidental and nec-
5 essary expenses for the ensuing year, and the amount necessary to complete
6 the ditches, drains or levees embraced in the proceedings; and to raise,
7 strengthen or protect said ditches, drains or levees when completed, and in
8 constructing additional ditches, drains or levees when required to protect the
9 lands.

Sec. 34. Immediately after the assessment roll is confirmed by the court
2 and the entry of the same upon the records, the clerk shall make out and certify
3 to the commissioners a copy of such assessment roll, and also make out and
4 deliver to the commissioners separate copies of such parts thereof pertaining
5 to the lands situated in the other counties, which shall be recorded in the re-
6 corder's office of the respective counties in which the lands are situated, and
7 shall be notice of the lien thereof to all persons.

Sec. 35. Upon the organization of the said drainage district, it shall in
2 its corporate name, by its commissioners, from thenceforth have power to con-
3 tract and be contracted with for purposes leading up to making the assessment
4 and to do all things necessary to ascertain the cost of the construction of said
5 improvement; and when said assessment roll is confirmed the said commis-
6 sioners, in the corporate name of the district, shall have power to contract for
7 the construction of any levee, drain or ditch as may be necessary, and for all
8 other things as may be necessary for the accomplishment of the purposes of
9 the Act: *Provided*, that if two-fifths of the land owners in the district owning
10 two-fifths of the land, appeal the cause to any court of review, the said com-
11 missioners shall do no act for the completion of said work until the said cause
12 is disposed of by the court of review.

Sec. 36. At any time before the contract shall have been made for the construction of any drain, ditch, levee or other work provided for in the report of any commissioner, or the order of the court made in pursuance thereof, the district may be abandoned in the manner hereinafter provided: -

(a) That upon petition of a majority of the adult land owners of the district representing one-third of its area, the county court shall, if upon due inquiry, it shall appear that justice towards two-thirds of the land owners in said district require, direct the commissioners to abandon any drain, ditch, levee or other work, or any part mentioned in said report of commissioners or order of the court. The petitioners shall be entitled to a trial by jury and a finding of the jury in favor of abandonment shall be binding on the court, and the court shall enter the order dissolving the district or the part petitioned to be dissolved. Upon the filing of any such petition, it shall be set down for a hearing by the court, and a notice of the filing of such petition shall be given for the length of time required by section 14 of this Act, and said notice shall state the nature of the relief sought by the petitioners. The court may, for good cause, after the proof of notice aforesaid, continue the hearing of such application from time to time, and any person or persons interested may appear and resist such application; and the court, after a full hearing of all the material facts pertaining thereto, may make such order in the premises as shall be just. If it is found and determined that a portion of the said proposed work shall be abandoned, it shall ascertain to what extent the cost of said proposed work shall be diminished thereby; and if the assessment for benefits shall have been made, such portion of said assessments shall be abated in such uniform proportions as such change of plans shall render unnecessary for the completion of such work according to such modified or altered plans; and if such lands shall have been assessed by the commissioners which, on account of such change of plans, will be wholly deprived of the benefits contemplated in the original plans, the court shall order that the en-

30 tire assessments against the lands be abated. If such order shall be made after
31 the assessment may be abated to be refunded to the person who may have paid
32 the same, or their lawful representative; and for non-compliance with such
33 order, the commissioners, the treasurer and their sureties shall be liable for
34 the neglect to do as herein directed.

35 (b) And at any time before the contract for the construction of the
36 proposed work shall have been made, upon presentation to the county court
37 of a petition signed by the owners, not less than three-fifths in number of all
38 the land owners of such district, and owning at least one-half in area of the
39 lands assessed for benefits in the district, whose aggregate assessments amount
40 to not less than one-half the cost of the proposed work, the court shall enter
41 an order dissolving the said district, and such order shall provide that the
42 original petitioners, their successors in title and the petitioners shall pay all
43 debts and expenses incurred up to the time of the filing of such petition, pray-
44 ing that the whole system of the proposed work be abandoned and the district
45 be abolished; and the said cost and expenses shall be a lien on the lands in the
46 proportion each individual land owner's land bears to the entire amount of
47 the original petitioners for the district, and the petitioners for a dissolution of
48 the district and the said debts, costs and expenses may be collected as if said
49 district was still in existence. If the district be abolished under this section,
50 assessments collected shall be refunded to the persons who have paid the same,
51 or their representatives.

Sec. 37. The commissioners shall, after the confirmation of said assess-
2 ment roll, and before any collection shall have been made by them, appoint a
3 treasurer, who shall not be one of their number, who shall execute a bond to the
4 People of the State of Illinois for the use of all persons interested, in a sum of
5 not less than twice the amount of assessments that may be in his hands during
6 his term of office, with such sureties as may be approved of by the judge of said

7 court, conditioned for the faithful performance of his duties as treasurer of said
8 drainage district, and that he will safely and faithfully account for all money
9 that by virtue of his said office shall come to his hands. Which said bond when
10 approved by the court shall be kept and preserved by said commissioners, and
11 suits may be maintained upon the same by them upon any breach of its con-
12 ditions.

Sec. 38. It shall be the duty of said treasurer to keep proper books to be
2 furnished him by the commissioners, in which he shall keep an accurate account
3 of all moneys received by him, and of all disbursements of the same; he shall
4 pay out no money, except upon the order of a majority of the commissioners,
5 and shall carefully preserve on file all orders for the payment of money, given
6 him by the commissioners, and shall turn over all books, papers, vouchers,
7 moneys and other property belonging to and in his hands, as such treasurer,
8 to his successor in office. His term of office shall be two years, but he may be
9 at any time removed by the court upon petition of a majority of the commis-
10 sioners, or for good cause shown. He shall receive, as a compensation for his
11 services a sum fixed by the commissioners before his appointment.

Sec. 39. In case the assessments for benefits shall be payable in install-
2 ments such installments shall draw interest at the rate of 5 per cent per annum,
3 from the time of confirmation of the assessment roll until they are paid, and such
4 interest may be collected and enforced as part of the assessment.

Sec. 40. The commissioners appointed by virtue of this chapter, shall not
2 collect or receive any money for the purposes therein specified, until they shall
3 have given bond, payable to the People of the State of Illinois, for the use of
4 all persons interested, in a sum not less than twice the amount of the assess-
5 ments for benefits payable in any one year, or may come into their hands or
6 under their control during such year, with such security as shall be approved

7 by the judge of the court, conditioned for the faithful application of all moneys
 8 that may be received by them as such commissioners, and to make due account
 9 thereof to the court whenever required by law or order of court, which bond
 10 shall be filed in the court in which the proceedings are had. Such commission-
 11 ers are hereby required to renew such bond, on or before the 15th day of Sep-
 12 tember, each year, after the appointment of them, or either of them.

Sec. 41. The commissioners, upon receiving such certified copy of assess-
 2 ment roll, or the treasurer of such district, shall immediately cause a notice to
 3 be published for three weeks, in the manner required in section 3 of this Act, in
 4 substance as follows:

5 Notice is hereby given to all persons interested, that an assessment (or in-
 6 stallment of per cent of the assessment, as the case may be,) is now
 7 due for drainage purposes for the year A. D. 19...., upon lands lying within the
 8 drainage district, in the county of, and State of Illinois,
 9 and the same must be paid to the undersigned commissioners of said drainage
 10 district (or to treasurer of said district, at his office in as
 11 the case may be,) on or before the day of, 19....; and
 12 in default of such payment, the several tracts of land upon which said assess-
 13 ment (or installments, as the case may be,) remains unpaid, will be sold accord-
 14 ing to law, to pay the amount of such assessment (or installment) and costs.
 15 Dated this day of, 19....

16 Commissioners.

17 In case the assessments made are ordered by the county court to be paid
 18 in installments, said commissioners or treasurer shall give a like notice, as near
 19 as may be, of any installment or installments immediately after such installment
 20 or installments become due and payable, and in case of "annual amount of
 21 benefits," in drainage and levee districts, as is required by section twenty-six
 22 and one-half of this Act, the commissioners shall give notice in a similar man-

ner immediately after the first day of September of each year, stating what part of the "annual amount of benefits" will be collected for that year, which notice may be in substance as follows:

Notice is hereby given to all persons interested, that the "annual amount of benefits" (or per cent of the "annual amount of benefits," as the case may be,) is now due for drainage and levee work for the year A. D. 19...., upon land lying within the drainage and levee district, in the county of and State of Illinois, and that the same must be paid to the undersigned commissioners of said district, (or to treasurer of said district, at his office in, as the case may be,) on or before the day of, 19....; and in default of such payment, the several tracts of land upon which said "annual amount of benefits," (or per cent of the "annual amount of benefits," as the case may be,) remains unpaid, will be sold according to law, to pay the amount of the same and costs.

Dated this day of, 19....

..... Commissioners (or Treas.)

Which notice shall be a sufficient demand for any assessment or installment that may be due.

Sec. 42. If the assessment or any installment or installments thereof, or annual amount of benefits, due upon said lands, shall not be paid on or before the day named in the notice given in section forty-one (41) of this Act, it shall be the duty of said commissioners, if they have not appointed a treasurer as aforesaid, and if so, then of said treasurer, to make out a certified list of such delinquent lands upon which the assessment, or any installment or annual amount of benefits remains unpaid, and the same shall be by him or them, on or before the tenth day of March next after the same have become payable, returned to the county collector of the county or counties in which said lands shall lie; and when the same shall lie in different counties, a separate return shall be

11 made for each county of the delinquent lands therein; and it shall be the duty
 12 of the county collector to whom any such returns have been made, to transfer
 13 such returns to the tax books in his hands, setting down therein in proper
 14 order the several tracts of the real estate, lots and blocks, in proper columns
 15 prepared for that purpose, the amount of assessments or installments or an-
 16 nual amount of benefits against each tract of real estate, lots and blocks, and
 17 the like proceedings shall be had and with the like force and effect in the col-
 18 lection of such delinquent assessment or assessments, or installment or annual
 19 amount of benefits unpaid, with interest, and the sale of said real estate, lots,
 20 blocks and lands for non-payment thereof, as in ordinary collections of State
 21 and county taxes by county collectors, and of sale of real estate by them for
 22 such non-payment and of redemption from such sales. Nothing in this Act con-
 23 tained shall be construed to affect or impair any assessment or return of lands
 24 delinquent for assessments heretofore made under any law of this State.

Sec. 43. This Act shall be liberally construed to promote the ditching, drain-
 2 age and reclamation of wet or overflowed lands; and collection of assessments
 3 shall not be defeated by reason of any omission, imperfection or defect in the
 4 organization of any district, or in any proceedings occurring prior to the judg-
 5 ment of the court, confirming the assessments of benefits and damages; but said
 6 judgment shall be conclusive that all prior proceedings were regular and ac-
 7 cording to law. To (11) one that nothing is being done out of being 76p

Sec. 44. Notwithstanding the returns of such delinquent list, the said com-
 2 missioners, or their treasurer, shall be authorized to receive payment of any
 3 such delinquent assessments and costs, and may give receipts for the same, but
 4 shall keep a memorandum of the same, and on or before the day of sale fixed
 5 by said county collector for the sale of such lands, shall present said memoran-
 6 dum or list to said county collector or collectors for the purpose of having the

7 same checked or marked paid on the delinquent list in his hands, and all amounts
8 collected by the said county collector, by sales or otherwise, after deduction of
9 his fees, shall be paid to the commissioners on demand.

Sec. 45. The commissioners, when qualified in pursuance of this Act, may
2 do any and all acts that may be necessary in and about the surveying, laying,
3 constructing, repairing, altering, enlarging, cleaning, protecting and maintain-
4 ing any drain, ditch, levee or other work for which they have been appointed,
5 including all necessary embankments, protections, dams and side drains, clear-
6 ing out and removing of obstructions from natural or artificial channels or
7 streams within or beyond the limits of the drainage district, procuring or pur-
8 chasing riparian rights by agreement with the owners thereof, and may use any
9 money in their hands arising from assessments for that purpose: *Provided*, that
10 in all cases where the work to be done is the construction of the principal work,
11 the cost of which will exceed five hundred dollars, the same shall be let to the
12 lowest responsible bidder, and the said commissioners shall advertise for sealed
13 bids by notice published in some newspaper issued in the county in which the peti-
14 tion is filed, and if there be no newspaper issued or published in said county,
15 then in the next nearest newspaper; which said notice shall particularly set out
16 the time and place, when and where, the sealed bids will be opened; the kind of
17 work to be let, and the terms of payment. Said commissioners may continue
18 the letting from time to time, if in their judgment the same shall be necessary,
19 and may reserve the right to reject any and all bids. And said commissioners
20 shall not, during their term of office, be interested directly or indirectly in any
21 contract for the construction of any ditch, drain or levee, in such drainage dis-
22 trict, nor in the wages or supplies to men or teams employed on any such work
23 in said district: *Provided, further*, that no levee, drain, ditch or other work au-
24 thorized to be constructed or made under this Act, shall be constructed or made
25 in such manner as to destroy or impair the usefulness or prevent the public

26 use of any bay or harbor, or body of water used as a harbor, connected with any
27 navigable stream.

Sec. 46. Said commissioners may use money arising from the collection of
2 assessments, or coming into their hands as such commissioners, for the purpose
3 of compromising suits and controversies arising under this Act, and in the em-
4 ployment of all necessary agents and attorneys in organizing said district, and
5 for conducting other proceedings in law or equity for the same, and for the pur-
6 pose of constructing or repairing or maintaining any ditch, ditches, drains,
7 levee or levees within said district, or outside of said district, necessary for the
8 protection of the lands and complete drainage of the same within such dis-
9 trict: *Provided*, that the commissioners shall use such money under the direc-
10 tion and approval of the court; and assessments from time to time may be
11 levied on the land within any district when it shall appear to the court that the
12 previous assessment or assessments have been expended or are inadequate to
13 complete such work, or are necessary for maintenance and repair, or when it
14 shall become necessary for the construction of any additional work, or the com-
15 pletion of any work already commenced within any drainage district to insure
16 the protection or drainage of the lands in said district, under the order and
17 directions of the court or justice of the peace, if the original proceeding shall be
18 before a justice of the peace, on the petition of the majority of the owners of
19 land within said district who are of lawful age and represent at least one-third
20 in area of such lands; or on the petition of the commissioners, accompanied by
21 an itemized statement of accounts made by the commissioners, under oath, show-
22 ing the moneys received by the district and the manner in which they have been
23 expended, together with plats, profiles of such additional work and estimated
24 cost of the same; two weeks' previous notice of the time set for the hearing of
25 said petition in the manner required by section three of this Act, having been
26 given. Upon the hearing of such petition the court may grant the prayer of

the same, and with like proceedings and notice, as near as may be, as in cases of original assessments of damages and benefits under this Act; and such additional assessment or assessments, when made, shall have the same force and effect and be collected in the same manner as original assessments: *Provided*, that when the right-of-way of the proposed ditches, drains or other work within any district has been released by the owners of the lands over which the same is located, or when the owners of lands in such district, about to be assessed, agree thereto, or in case the court so orders, the commissioners of said district may make any assessments of benefits, or damages and benefits, in lieu of a jury; and all the proceedings required of a jury in such cases by this Act, shall be required of and observed by the commissioners as near as may be in making such assessments.

Sec. 47. The commissioners may borrow money not exceeding ninety per cent of the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct, or for the payment of any indebtedness they may have lawfully incurred under the provisions of this Act, or to the Act to which this is an amendment, and may secure the same by notes or bonds, bearing interest at the rate of not exceeding six per cent per annum, and not running beyond one year after the last assessment or installment of assessment on account of which the money is borrowed shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereof; or, such bonds may be issued to the amount of ninety per cent of any one installment and constitute a lien upon such installment alone, falling due within one year after such installment becomes due; such installment shall be particularly designated in such bonds: *Provided*, where the payment of any installment or installments of any assessment has been deferred in pur-

suance of section twenty-six of this Act, and the court shall find on the petition of the commissioners that it will be for the interests of the district that money should be borrowed to an amount exceeding ninety per cent of such installment or installments, the court, on due hearing, may by order entered of record, authorize the borrowing of money to such an amount in excess of ninety per cent of such installment or installments, as the court may find to be advisable. And the county court may, on the petition of the commissioners, authorize them to refund any lawful indebtedness of the district authorized by and created under this Act, or the Act to which this is an amendment, by taking up and cancelling all outstanding notes and bonds of such district issued under this Act or the Act to which this Act is an amendment, as fast as they become due, or before they shall become due, if the holders thereof will surrender the same, and to issue in lieu thereof new notes or bonds of such district, payable on such longer time as the commissioners shall think proper, not to exceed in the aggregate the amount of all notes and bonds of such district then outstanding, and the unpaid accrued interest thereon; and the court shall have power, on the petition of the commissioners, to order that the collection of any one or more, or all of the installments of the assessments for benefits on account of which the money was borrowed be postponed to such time as the court may consider proper and reasonable, when the same shall become due and payable, and such installment or installments so postponed shall bear interest until they shall become due, at the rate of eight (8) per cent per annum, unless otherwise ordered by the court; but after they become due they shall bear interest at the rate of eight per cent per annum: *Provided*, that such bonds and notes shall be made due and payable within one year after the last installment of the assessment postponed, as aforesaid, shall become due. The court shall have the power to make all needful orders to carry into effect the provisions of this Act, and no irregularity in the proceedings, either before or after the organization of the district, or in the

46 assessment of benefits, or in the extension of time for the payment of the
47 same, shall in any manner affect the validity of the bonds or coupons issued
48 in pursuance of this Act.

Sec. 48. All damages, over and above benefits to any tract of land, shall
2 be payable out of the amount assessed against other lands assessed for bene-
3 fits, and shall be paid or tendered to the owners thereof before the commis-
4 sioners shall be authorized to enter upon his land for the construction of any
5 work thereon. In case the owner is unknown, or there shall be a contest in
6 regard to the ownership of the land, or the commissioners cannot, for any
7 reason, safely pay the same to the owner, they may deposit the same with the
8 clerk of the court, and the court may order the payment thereof to such party
9 as shall appear to be entitled to the same. The damages assessed under this
10 Act, in favor of any tract or tracts of land in such district, shall be in full com-
11 pensation to the owner thereof, their heirs or assigns, for the perpetual right-
12 of-way, as located by the commissioners, of any ditch or ditches, open or cov-
13 ered, levee or other work, including the right of the commissioners, their em-
14 ployes or contractors, with teams, tools and machinery to enter upon such
15 lands and construct such work, and, if necessary, to repair or enlarge the
16 same; and any person who shall wilfully prohibit or prevent any of the afore-
17 said persons from entering such lands for the purposes aforesaid shall be
18 fined in a sum not to exceed twenty-five dollars (\$25) per day for such hin-
12 drance, to be collected as other fines,

Sec. 49. The court may, for good cause, at any time remove any commis-
2 sioner appointed by it and appoint another in his place, and may fill all vacan-
3 cies caused by the death, resignation, removal or otherwise.

Sec. 50. The commissioners shall, as often as once in each year after
2 their appointment, and as much oftener as the court shall require, make a

3 report to the court, showing the amount of money by them collected and the
 4 manner in which the same has been expended; and upon the filing of such
 5 report the court shall set a time not exceeding three weeks from such filing
 6 when such report shall be heard; and the commissioners shall give at least ten
 7 days' notice thereof, by posting written or printed notices in not less than four
 8 of the most public places in the district, and one at the door of the court
 9 house of the county in which said district was organized. Upon the time fixed
 10 the court shall hear said report and all objections thereto, or may continue
 11 such hearing to another time fixed; and upon hearing such report may re-
 12 quire evidence, to be produced by the commissioners, in support thereof, and if
 13 found correct may approve such report. Upon the failure of the commission-
 14 ers, or either of them, to make such report, to the satisfaction of the court,
 15 as required by this section, such commissioner or commissioners, on the appli-
 16 cation of any person interested, or the court, without such application, shall
 17 remove such commissioner or commissioners from office.

Sec. 51. The commissioners shall receive for their services the sum of
 2 two dollars per day and their necessary traveling expenses for each day they
 3 shall be actually engaged in the business of their offices. The commission-
 4 ers shall present an itemized account, under oath, to the county court or jus-
 5 tice of the peace, when the proceedings are before a justice of the peace, of
 6 the amounts due them respectively, which amount shall be audited at least
 7 once a year by said county court or justice of the peace and certified to by
 8 said court or justice of the peace to their treasurer, to be paid by him on said
 9 certificate. But such itemized account or accounts shall be subject to the ap-
 10 proval of the court, as provided in this Act. The clerk of the county court
 11 and justice of the peace shall receive for their services hereunder such fees as
 12 are by law allowed for similar services in said county court and before jus-
 13 tices of the peace: *Provided*, that when the proceedings are before a justice

14 of the peace, the commissioners shall make all reports required of them by
15 law to the justice of the peace before whom the drainage and levee district
16 was organized, or his successor in office, when/ not otherwise specially pro-
17 vided for.

Sec. 52. Whenever a petition shall be presented to said court by the owner
2 of any tract of land within said district, setting forth that the same, or any
3 part thereof, has been erroneously assessed for benefits for the reason that the
4 same is not subject to overflow, or has never been overflowed by the highest
5 water known, or that the assessment is too high, and that no bonds have been
6 issued by the district which are a lien on said assessment, and praying that
7 the said lands, in whole or in part, may be released from the assessment made
8 or to be made in the future, the court may, after ten days' notice of the filing
9 of such petition being given to the commissioners, at any term of court, pro-
10 bate or common law, proceed to hear said application, granting such continu-
11 ance as may be right and proper; and if the court shall find, upon issue joined,
12 that any part of the land named in said petition is not subject to overflow, or
13 has never been overflowed by the highest water known from the stream
14 against which the levee in question has been constructed, or that the assessment
15 is too high, may, by order to be entered of record, unless it appears to the court
16 that the assessment on the whole tract is no more than the proportion that
17 the land subject to overflow (if said land, or any part thereof, is subject to over-
18 flow) in said tract is benefited and should pay toward constructing and maintain-
19 ing the levee, or that the assessment on the tract is no more than the propor-
20 tion of sanitary benefits received by the whole tract of land, and no more than
21 the whole tract should pay for sanitary benefits towards constructing and
22 maintaining the levee, (approved) the assessment roll returned by the jury in
23 conformity to the facts found, and such parts shall thereafter be discharged
24 from all other assessments, and the clerk shall immediately cause a copy of such

25 order to be delivered to the commissioners, that the copy of the assessment roll
26 in their hands may be made to conform to such order: *Provided*, that a peti-
27 tion for the correction of any assessments heretofore made, shall be filed within
28 a year after this Act shall take effect, and as to assessments thereafter made,
29 such petition shall be filed within one year after the confirmation of the assess-
30 ment: *And, provided*, that where such petition shall be for the correction of an
31 assessment heretofore made, the proceedings had thereon shall be at the cost
32 of the petitioner: *And, provided, further*, that this section shall not apply to
33 districts organized for the purpose of establishing a combined system of drain-
34 age independent of levees.

Sec. 53. The commissioners from the time of their appointment may go
2 upon lands within said district, for the purpose of examining the same, and mak-
3 ing plans, plats and surveys, and after the organization of said district, and
4 payment or tender of compensation allowed, may go upon said lands, with their
5 servants, teams, tools, instruments and other equipments, for the purpose of
6 constructing such proposed work, and may forever thereafter enter upon said
7 lands as aforesaid, for the purpose of maintaining or repairing such proposed
8 work, doing no more damage than the necessity of the occasion may require;
9 and any person or persons, who shall wilfully prevent or prohibit any such
10 persons from entering such lands for the purposes aforesaid, shall be fined any
11 sums not exceeding \$25 per day for each day's hindrance, to be recovered in an
12 action of debt in favor of such drainage district, before any justice of the peace
13 or court of competent jurisdiction, which sum shall be paid into the treasury
14 for the use of said district.

Sec. 54. Drainage and levee districts heretofore organized under this Act,
2 and drainage and levee districts hereafter organized under this Act, when it
3 shall become necessary to construct additional drains, ditches or levees in order

4 to protect the lands embraced in said drainage and levee districts from inun-
 5 dation and overflow, or repair, enlarge, raise, strengthen or protect drains,
 6 ditches or levees already constructed or in process of construction, may, by
 7 their agents and employes, enter upon and take possession of such lands as
 8 may be necessary to construct such additional drains, ditches or levees, or re-
 9 pair, enlarge, raise, strengthen or protect drains, ditches or levees already con-
 10 structed or in process of construction, paying, if the owners of such lands and
 11 the commissioners of said drainage and levee districts can agree, the value of
 12 such lands taken, and the amount of damages occasioned thereby to any such
 13 lands or its appurtenances, and if such owners and commissioners of said
 14 drainage and levee districts can not agree, then the value of such land and the
 15 damages occasioned thereto may be ascertained, determined and paid in the
 16 manner that may now or hereafter be provided by any law of eminent domain.
 17 And the commissioners of said drainage and levee districts, when necessary to
 18 protect the drains, ditches or levees thereof, may put in such works, in and
 19 along rivers, creeks or lakes, as will protect the banks of the same from cav-
 20 ing, and they may go beyond the bounds of the said district for that purpose.

Sec. 55. When an assessment has been made as provided in the preceding
 2 sections, and annually hereafter, it shall be the duty of the commissioners to
 3 provide suitable books, with proper headings and columns, in which shall be in-
 4 serted, according to township and range, the several tracts of lands against
 5 which assessments are to be carried out, the names of the owners, if known, the
 6 number of acres to be assessed, the total amounts of assessments and for
 7 what year, and a column for payments, and if any assessments shall remain
 8 due and unpaid after the time mentioned in the notices to be given as pro-
 9 vided in section 33 of this Act, it shall be the duty of said commissioners or
 10 treasurer to make a list of the lands upon which such assessment has not been

11 paid, and deliver such list or lists to the county collector of each county in
12 which such lands may respectively lie, to be by him collected as heretofore
13 provided. And the commissioners shall also, at the expense of the district,
14 keep a well bound book, to be know as the "drainage record," which shall at
15 all times be open for inspection to parties interested, in which one of their
16 number, as secretary, shall record the proceedings of every meeting thereof.
17 They shall hold such meetings on the first Tuesdays of March, May, July and
18 September of each year, or oftener, if necessary. They shall make a brief
19 memoranda in such record, of all their transactions concerning the district. If
20 bonds have been issued, and sold as a lien on any particular installment of
21 assessments, or a general lien on all; or contracts have been let on any sec-
22 tion or division of work; or orders issued on the treasurer; or materials or tools
23 purchased; or warrants for service of a commissioner issued by the clerk; or
24 sums paid, by order, for work done; all such proceedings and any other particu-
25 lar matter or transaction of such commissioners shall be carefully entered upon
26 such record, and the dates, amounts, and proper descriptions of such doings shall
27 at all times be observed in making such memoranda. Said commissioners shall
28 also take and preserve proper vouchers for all orders given by them on the
29 treasurer.

Sec. 56. If any commissioner shall refuse or neglect to discharge any of
2 the duties imposed upon him, by virtue of this Act, he shall, for every such
3 refusal or neglect, be liable to the party aggrieved for all damages sustained by
4 him, and upon conviction, may be fined in any sum not exceeding one hundred
5 dollars (\$100), and be removed from his office.

Sec. 57. When a ditch or drain of a district has been located under the
2 provisions of this Act of sufficient capacity to carry off the water that flows
3 into it, and also to properly drain the land taxed for the construction of the
4 same, such land shall not again be taxed or assessed for the benefit of im-

5 proving any lands of any drainage district lying above the lands assessed for
6 the construction thereof; and in all cases where any such ditch of such upper dis-
7 trict empties into any lower ditch above described of such lower district, for
8 the benefit of lands lying above the ditch of such lower district, the commis-
9 sioners of such upper district, or other commissioners appointed by and under
10 the direction of the court, shall levy a sufficient tax of such land of the upper
11 district benefited by the lower ditch to enlarge such lower ditch or ditches, so
12 as to confine the water to the same level that it originally had before an addi-
13 tional amount of water emptied into such lower ditch for the benefit of lands
14 lying above the lower ditch.

Sec. 58. Whenever any district empties its waters into the ditch or
2 ditches of such lower district in the manner described by the preceding sec-
3 tion, or floods the lands of such lower district, it shall be the duty of the com-
4 missioners of such lower district, in case the matters in difference between
5 such districts, respectively, cannot be adjusted without suit, to file a petition
6 for relief in the county court in which such district was organized, against such
7 upper district, setting forth such facts and other matters under which the peti-
8 tion claims relief under this and the preceding section, alleging the probable
9 cost of enlarging such lower ditch or ditches in such lower district, and the
10 excavations necessary to enlarge such ditch or ditches, or construct additional
11 ditches so as to accommodate the ditch or ditches of such upper district,
12 which estimate shall be sworn to by at least two of the commissioners of
13 such lower district. Upon the filing of such petition, the usual common law
14 summons will issue thereon out of said court against such upper district, which
15 shall be served upon the defendants therein, as in common law cases, and the
16 same rules of practice now in force in common law cases as to the service and
17 return of such summons, or the continuance of such cause, shall apply in this
18 case.

Sec. 59. Upon the hearing of said cause the court or jury shall determine
2 from the evidence what sum, if any, the petitioners should recover from the
3 defendants; and should the verdict be in favor of the petitioners the court shall
4 give judgment on the verdict for the amount of such verdict and costs of suit,
5 and thereupon appoint three disinterested freeholders as special commission-
6 ers, who shall, for the purposes named in this section, act as the corporate
7 authorities of such upper district, who, being sworn as required by section 63
8 of this Act, shall go upon the lands of such upper district and make special
9 assessments of benefits necessary to raise the amount of such judgment
10 against the lands benefited by the proposed enlargement of the ditch or
11 ditches and the construction of such additional work therein named in such
12 lower district. Said commissioners shall make such assessments of benefits
13 and hear objections thereto after notice thereof in the manner provided by this
14 Act for assessments of benefits by a jury in drainage districts; and shall re-
15 port such assessments to the county court for confirmation within ten days
16 from the time such commissioners shall have confirmed the same; and all
17 practice and proceedings in confirming the same by the court, and enforcing the
18 collection thereof, shall take place thereon as hereinbefore provided in like
19 cases, and when said assessments are collected they shall be paid to the com-
20 missioners of such lower district.

Sec. 60. When a ditch, drain or levee or other work established or re-
2 paired, or a combined system of drainage is located by the report of the com-
3 missioners, confirmed by the court or justice of the peace, under this Act,
4 drains or levees, or proposes to drain or levee, either in whole or in part, any
5 public or corporate road or railroad so as to benefit any of such roads, so that
6 the road bed or traveled track or other property of such road will be improved
7 by the construction of said ditch, drain or levee, the commissioners shall ap-
8 portion to the county, State, or (if a) free turnpike road to the township;

9 if a township road, to a company; if a corporate road or railroad, such por-
10 tions of the cost and expenses thereof as to private individuals, and give to
11 the corporate authorities so benefited or proposed to be benefited, or their
12 agents, at least ten days' written notice thereof prior to the time fixed by the
13 jury or commissioners for hearing objections to the assessment roll; and in
14 case there is a disagreement between the commissioners and the corporate
15 authorities of the county, State or free turnpike road or railroad as to the amount
16 they should contribute, then the commissioners shall refer the matter to the jury
17 impanelled to assess damages and benefits, when they meet to correct their as-
18 sessments of damages and benefits; and the jury shall then proceed to assess the
19 damages and benefits in like manner as the lands of individuals; and no other or
20 different notice shall be given than that required by this section and by section
21 nineteen of this Act: *Provided*, that when the commissioners and the corpor-
22 ate authorities of the county, State or free turnpike, township road, corporate
23 road or railroad, or any of them, agree as to the amount that they or any of
24 them should contribute, that the amount so agreed on shall be reported to the
25 said jury or commissioners, as the case may be, when they meet to correct
26 their assessment roll; and the amount so agreed on shall be incorporated into
27 said assessment roll when amended by said jury or commissioners: *And*,
28 *provided, further*, that the amount so assessed against any railroad company
29 or private corporation shall, upon the confirmation of the assessment roll by
30 the county court, become a lien upon the real property of such railroad com-
31 pany or private corporation, and have the same force and effect as a judg-
32 ment at law in favor of such district against such railroad company or private
33 corporation, and execution may issue thereon as upon judgments in courts of
34 record in other cases, and shall have a like lien upon personal estate. Ap-
35 peals from such findings shall be allowed as in other cases of assessments
36 under this Act. The ten days' notice in writing required by this section shall
37 be served by the sheriff in the manner provided by law for the service of

38 process issued from courts of record against an incorporated company,
39 county, town or commissioners of highways. In case such assessment is made
40 against any township in this State, the commissioners of highways of such
41 town shall cause the same to be levied and paid to said district in the manner
42 provided by sections thirteen, fourteen, fifteen and sixteen of an Act entitled,
43 "An Act in regard to roads and bridges in counties under township organiza-
44 tion, and to repeal an Act and parts of Acts therein named," approved June
45 23, 1883, or in such manner as may now or hereafter be provided by law:
46 *And, provided, further,* that the sum assessed against either of said corpora-
47 tions shall not include the expense of constructing, erecting or repairing any
48 bridge, embankment or grade, culvert or other work of the roads of such cor-
49 porations crossing any ditch or drain constructed on the line of any natural de-
50 pression, channel or water course; but the corporate authorities of such road
51 or railroad are hereby required, at their own expense, to construct such bridge,
52 culvert or other work, or to replace any bridge or culvert temporarily re-
53 moved by the commissioners in doing the work of such district. Full power
54 and authority is hereby given the drainage commissioners to remove such
55 bridges or culverts for the purpose aforesaid, if they, in their judgment, find
56 it necessary.

Sec. 61. When any ditch or drain or other work of enlarging any channel
2 or water course is located by the commissioners on the line of any natural
3 depression or water course, crossing the road of any railroad company where
4 no bridge or culvert or opening of sufficient capacity to allow the natural flow
5 of water of such ditch or water course is constructed, it shall be the duty of the
6 commissioners to give notice to such railroad company to construct or enlarge
7 such bridge or culvert or opening in the grade of such road, for such ditch
8 or ditches or other work, of the dimensions named in such notice, within twenty
9 days from the service thereof; and any railroad company neglecting, failing or

10 refusing so to do shall be liable to any owner of land in such district, for all
11 damages to such land sustained by such neglect or refusal; and shall be liable
12 to such district in the sum of twenty-five (\$25) for each day said company shall
13 have neglected or refused to construct such work, after the time fixed in such
14 notice for constructing the same shall have expired, which damages or penalty
15 may be recovered before a justice of the peace, if within his jurisdiction, or be-
16 fore any court of competent jurisdiction.

Sec. 62. The word ditch when used in this Act, shall be held to include any
2 drain or water course, and the petition for any drainage district shall be held
3 to mean and include any side, lateral, spur or branch ditch or drain. whether
4 open, covered or tiled, or any natural water course into which such drains or
5 ditches may enter for the purpose of outlet. whether such water course is sit-
6 uated in or outside of the district. And to secure complete drainage of the
7 lands within any drainage district, the commissioners are hereby vested with
8 full power to widen, straighten, deepen or enlarge any such water course, or
9 remove driftwood or rubbish therefrom, whether such water course is situated
10 in, outside of or below any drainage district; and when it is necessary,
11 straighten such natural water course by cutting of new channel upon other
12 lands, the value of such lands to be occupied by such new channel, and damages,
13 if any, made by such work, may be ascertained and paid in the manner that is
14 now or may hereafter be provided by any law providing for the exercise of
15 the right of eminent domain in force in this State. The expenses of the work
16 provided for in this section shall be paid from moneys arising from assessments
17 upon lands within the district. This section shall apply to any and all drain-
18 age districts that have been heretofore or may hereafter be organized under
19 this Act.

Sec. 63. Any land lying outside of the drainage district as organized, the
2 owner or owners of which shall thereafter make connection with the main ditch

3 or drain, or with any ditch or drain within the district as organized, or whose
4 lands are or will be benefited by the work of such district, shall be deemed to
5 have made voluntary application to be included in such drainage district; and
6 thereupon the commissioners shall make complaint in writing, to the court
7 where the proceedings are pending, setting forth a description of such land or
8 lands benefited, and amount of benefits; the name of the owner or owners there-
9 of, also a description of the drain or ditch making connection with the ditches
10 of such district, as near as may be; and file said complaint in the county
11 court. The court shall fix a day, not less than fifteen days from such filing,
12 when he shall hear such complaint; and thereupon the commissioners shall give
13 ten days' notice thereof in writing; said notice shall embrace a copy of such
14 complaint, and service thereof shall be by reading or delivering a copy thereof
15 to such owner or owners; and affidavit of such service shall be evidence thereof.
16 At the time fixed, or at a time continued from such time fixed, and a judgment
17 in favor of said district, a record of such judgment, giving a description of
18 such lands annexed shall be made, and such lands, described in the complaint
19 in either case, shall be deemed a part of such district and shall be assessed
20 as other lands therein. The assessment of benefits against such lands so added
21 to said district may be made at any time the commissioners may deem proper;
22 and the assessment roll thereof shall be filed and recorded and proceedings
23 thereon had as in other cases; or such lands may be assessed when all lands
24 throughout the district are assessed.

Sec. 64. If, after an assessment of lands throughout the district has been
2 made for the purpose of constructing the work laid off according to the pro-
3 files, plats and specifications of the commissioners, as reported and confirmed,
4 it shall appear to the commissioners, on application of some owner or owners
5 of land in the district, that additional ditches, drains, outlets or other work
6 over other lands are needed in order to afford complete drainage by outlets or

7 protection to some particular tract or tracts of land of such owner, it shall be
8 the duty of the commissioners to examine such lands and lay off and make
9 plans, profiles and specifications of such additional work and costs of the
10 same, and make a special report thereof and file the same in the county court.
11 Such report being filed, the commissioners shall give the owner who made
12 such application and other persons interested in such tracts of land over which
13 the proposed ditches or drains are sought to be constructed, ten days' notice
14 of the filing of such report, stating that the commissioners will appear at a
15 day mentioned in said notice and ask said court for a confirmation of such
16 special report, and upon confirmation thereof by the court a special assessment
17 of benefits and damages shall be made upon the particular lands benefited by
18 the proposed work, by the commissioners or a jury; and like proceedings shall
19 be had therein as in other cases of assessments of benefits and damages pro-
20 vided by this Act, which special assessment of damages and benefits shall be
21 recorded and made a part of the general assessment roll.

Sec. 65. Whenever it shall appear to the court that any proceedings for
2 the organization of a drainage district, or any assessment of damages or bene-
3 fits under this Act, or any law of this State, is invalid as to one or more tracts
4 of land jointly or severally owned, situated in such district, or any tract of
5 land has been omitted from such assessment by reason of clerical error or
6 other mistake, or want of the proper notice or notices, as required by the Act
7 to which this Act is an amendment, such want of notice shall not invalidate such
8 organization, neither shall such assessment of benefits be lost to the district;
9 but the commissioners of such district may file a petition against the owner
10 or owners, his heirs or assigns, of such lands irregularly assessed or omitted,
11 in said court, describing in such petition the boundaries and name of the dis-
12 trict, the land owned by defendants, the amount of damages and benefits as-
13 sessed in favor of and against such lands, reciting such irregularity of notice

14 and omissions and praying the defects and omissions may be cured, and such
15 assessment be made valid, and that the lands omitted, if any, may be assessed,
16 or made a part of the district as the case may be.

Sec. 66. Upon the filing of such petition, process of summons shall be issued
2 thereon, made returnable to said court, and served ten days before the next term
3 thereof, or continued, as the case may be, for service, in the manner now pro-
4 vided by law for issuing and service of summons in chancery cases; and in case
5 the defendants, or either of them, are non-residents of this State, a like pro-
6 ceeding and practice shall be had, and notice of publication shall be given as
7 provided by such law in chancery cases. In case any defendants are minors,
8 the court shall appoint a guardian *ad litem*, who shall appear and defend in
9 behalf of such minors, and every defendant served or notified as required by
10 this Act shall by his answer show cause why the prayer of the petition should
11 not be granted; and in default of such answer the court shall give judgment
12 according to the prayer of such petition. In case the defendants file such
13 answer, the court, on the trial of said cause, shall hear oral or written evi-
14 dence, and give judgment therein, as in cases of equity, and may grant the
15 prayer of such petition: *Provided*, in case the petition asks to make valid an
16 assessment of damages or benefits or to make assessments in favor of or
17 against lands omitted, the defendant, if he demands it, shall be entitled to a
18 jury to view the premises, and make assessments *de novo*, or make assessments
19 omitted, as to the lands named in the petition, and the jury shall be sworn
20 and shall proceed in the manner provided by this Act, as near as may be, for
21 making assessments, and make a special assessment roll as to the lands
22 named in the petition, and file the same in the county court within the time now
23 provided by this Act for such return and filing, and such further proceedings
24 and confirmation shall be had therein as provided in this Act in cases of other
25 assessments; and the defendants may appeal from the confirmation of the jury

26 or judgment of the county court, upon the same conditions provided by this
 27 Act for appeals from judgment in other cases of assessment of damages and
 28 benefits.

Sec. 67. On the first Monday of September, in each district heretofore
 2 organized under this Act, and on the first Monday of September after any dis-
 3 trict may hereafter be organized under this Act, the owners of the land in fee
 4 and 18 years old and over, shall elect three commissioners for each respective
 5 district, one to serve one year, one two years and one for three years from
 6 the date of the first election under this section, and on the first Monday of
 7 September of each year thereafter the said voters shall elect one commission-
 8 er of said district who shall hold his office for three years, and until his suc-
 9 cessor is chosen and qualified, but in all districts now organized or hereafter
 10 to be organized for the construction, reparation and protection of drains,
 11 ditches and levees for agricultural purposes, the said electors shall elect as
 12 commissioner or commissioners, only such persons as shall be petitioned for
 13 by forty per cent of the adult land owners representing forty per cent of the
 14 acreage embraced in the district.

Sec. 68. Each commissioner shall within ten days after his appointment,
 2 take and subscribe the oath required by section 6 of this Act, and file the same
 3 with the clerk of the county court. And before making assessments as herein
 4 provided, the commissioners shall take and subscribe an oath, substantially as
 5 follows, viz:

6 We,commissioners of.....district,
 7 do solemnly swear (or affirm) that we will faithfully and impartially perform
 8 the duties required of us, to the best of our understanding and judgment, and
 9 make assignments of damages and benefits (or benefits, as the case may be), in
 10 favor of or against the lands in said district, according to law.

11 Which oath or affirmation so subscribed shall be filed with the clerk of the
12 county court.

Sec. 69. Each bond issued as provided for by section 47 of the Act to
2 which this Act is an amendment, shall be attested by the clerk of the county
3 court, and said clerk shall also make a certified statement thereon, affixing his
4 seal of office thereto, of the total amount of assessments and the rate of interest
5 it bears, pledged for the payment of said bond and other bonds, if any issued;
6 the date, number, denomination and time due of all bonds issued which are
7 a lien upon the assessments or installments of assessments of the district;
8 when the assessments were confirmed by the county court, and the number of
9 acres of land in the district against which said assessments were made.

Sec. 70. Whenever a petition, signed by the owners of the land situated
2 in any drainage district organized under any law of this State or by mutual
3 agreement, other than this Act, equal in number to one-fifth of the adult own-
4 ers of lands in such district, shall be presented to the town clerk of the town-
5 ship in which the lands of such district, or a major part thereof lie, or the com-
6 missioners of any drainage district not under township organization, praying
7 to submit the question whether such district will become organized as a drain-
8 age district under this Act, to the decision of the adult owners of lands in such
9 district, it shall be the duty of the town clerk, or such commissioners, to submit
10 the same accordingly; and to fix the time and place within such district for
11 holding such election and make a record thereof; and to appoint the three
12 judges to hold such election; and to give notice of the time and place and pur-
13 pose of such election, by causing at least five notices thereof to be posted in
14 public places in such district, for at least fifteen days prior to holding such
15 election. Each owner residing within or out of such district shall have the
16 right to cast a ballot at such election, with the words thereon, "for organiza-

tion under the drainage and levee Act," or "against organization under the drainage and levee Act;" the judges of such election shall be sworn as required by law in force, concerning State and municipal elections, and shall make returns of the poll-books of such election, as soon as practicable, after the election is held, to the clerk of the county court of the county in which such district or the greater part of the lands thereof are situated. The clerk of the county court, to whom such returns have been made, shall canvass such returns and cause a statement of the result of such election to be entered of record, and if a majority of the votes are "for organization under the drainage and levee Act," the officer canvassing such returns, shall send a certified copy of such record to the town clerk, or other officer having in his custody the records of such district, whose duty it shall be to file and record such certified copy of the result of such election, in the drainage record of such district, and if no record, with the clerk of the county or circuit court; and such district shall, from thenceforth, be deemed to be duly incorporated as a drainage district, under this Act, and all further proceedings and work of such district shall, thereafter be in the manner provided by this Act, but the officers of such district, then in office, shall continue as like officers of such district, until their successors shall be appointed and qualified under the provisions of this Act. It shall be the duty of the drainage commissioners, treasurer and other officers of any drainage district whose terms of office expire, by reason of adopting the organization under this Act, or whenever a successor or successors to any or either of the officers provided by this Act shall have been elected and qualified, to transfer and deliver all moneys, books and papers appertaining to his office, to such successor or successors in office.

Sec. 71. Any person who shall wrongfully and purposely fill up, cut, injure, destroy or in any manner impair the usefulness of any drain, ditch or

3 other work constructed under this chapter, or heretofore constructed under
4 any law of this State, or that may have been heretofore or may hereafter be
5 voluntarily constructed for the purpose of drainage or protection against
6 overflow, may be fined in any sum not exceeding two hundred dollars, to be
7 recovered before a justice of the peace in the proper county, or if the injury
8 be to any levee whereby lands shall be overflowed, he may, on conviction in any
9 court of competent jurisdiction, be fined in any sum not exceeding five thous-
10 and dollars; and shall be deemed guilty of a felony and imprisoned in the
11 State penitentiary for a term of not less than one nor more than five years,
12 at the discretion of the court.

13 All complaints under this section shall be in the name of the People of
14 the State of Illinois, and all fines, when collected, shall be paid over to the
15 proper commissioners, to be used for the work so injured.

Sec. 72. In addition to the penalties provided in the preceding section, the
2 person so wrongfully and purposely filling up, cutting, injuring, destroying or
3 impairing the usefulness of any such drain, ditch, levee or other work, by ob-
4 structing or filling up of any natural stream, or outlet, within or beyond the
5 drainage district shall be liable to the commissioners having charge thereof, for
6 all damages occasioned to such work, and to the owners and occupants of land
7 for all damages that may result to them by such wrongful act, which may be
8 recovered before a justice of the peace, if within his jurisdiction, or before
9 any court of competent jurisdiction.

Sec. 73. This Act shall be construed to repeal "An Act to provide for
2 the construction, reparation and protection of drains, ditches and levees across
3 the lands of others for agricultural, sanitary and mining purposes and to pro-
4 vide for the organization of drainage districts and all amendments thereto."

Sec. 74. All drainage districts heretofore organized under the Act, to
2 which this Act is an amendment, for drainage and levee purposes, or to estab-
3 lish a combined system of drainage in such district, or for either of such pur-
4 poses, in whole or in part, be and the same are hereby declared legally organ-
5 ized, and all such districts shall be held to have been, and to be, legally organ-
6 ized under the laws of this State.

Sec. 75. In case any person assessed for benefits, contracts to do any
2 work, and said work is done according to contract, the commissioners shall give
3 said person a receipt for so much of said assessment as said work amounts
4 to, and said receipt may be received by the treasurer as payment of so much of
5 said assessment: *Provided*, that when bonds have been issued by said district,
6 such contractor shall have an order on the funds in the hands of the treasurer
7 for said amount.

Sec. 76. The commissioners of any drainage district organized under this
2 Act are hereby authorized to lease or sell at public auction any land that may
3 come into their possession in the manner provided for in this Act, in such
4 manner and on such terms as they may deem for the best interest of the dis-
5 trict: *Provided*, that in all cases of sale of such land the sale shall be either
6 at the door of the court house, where judicial sales of land are usually made,
7 or else on the premises to be sold, as the commissioners may order and direct.

Sec. 77. No real estate shall be sold by virtue of the preceding sections
2 except between the hours of 9:00 o'clock in the morning and the setting of the
3 sun on the same day, nor unless the time (specifying the particular hour of said
4 day at which said sale shall commence), and the place of holding such sale shall
5 have been previously advertised weekly for four successive weeks in a public
6 newspaper printed and published in the county where said sale shall be made,
7 if there be any newspaper printed and published in such county, and in addi-

tion thereto by putting up written or printed notices thereof in at least four of the most public places in the county where said real estate is situated; in all of which notices the real estate to be sold shall be described with reasonable certainty.

Sec. 78. The Act to which this Act is an amendment, except as herein expressly provided, shall apply to "drainage and levee districts" and districts organized for the purpose of establishing a combined system of drainage independent of levees.

Sec. 79. Owners of lands which require combined drainage and protection from overflow, may form drainage and levee districts, by mutual agreement, to include lands of their own only, by an instrument in writing duly signed and acknowledged and recorded in the drainage record. The mutual agreement may include the location and character of work to be done; the adjustment of damages; the classification; the amount of taxes to be levied; how the work shall be done, or so much of these, or more, as may be agreed upon, and to this extent shall be as valid as though formed in the mode as hereinbefore provided, and may ask the judge of the county court to appoint three commissioners whose powers and duties thereafter shall be the same as prescribed by other districts, and they shall commence acting at the point reached at the aforesaid agreement: *Provided*, that the said agreement may include the selection of three drainage commissioners from their own number or from others, and their terms of office shall be until the first Monday of September thereafter, or for this term and for one year in addition, as may be agreed at the time of their appointment, and at the annual meeting thereafter the majority of the land owners may choose, by ballot, three commissioners to serve, one for one year, one for two years and one for three years from the date of appointment, and on the first Monday of each year thereafter the land owners may elect one commissioner of said district who shall hold his office for three years and until his

21 successor is chosen and qualified. The powers and duties of the commissioners
22 of a district by mutual agreement, and the mode and effect of special assess-
23 ments, shall be the same as provided for other districts organized under this
24 Act, and all the powers, rights and benefits of every kind given to drainage dis-
25 tricts organized by petition to the county court shall be had by drainage dis-
26 tricts organized by mutual agreement, and districts organized by mutual agree-
27 ment may do as fully all work mutually agreed upon, as though surveys,
28 plats and profiles, etc., were made and filed in said matter, and contracts for
29 work to be done in said district may be let in parts, or the whole of said work
30 may be let in one contract as is provided in this Act, as seems to be for the
31 best interest of the parties concerned.

Sec. 80. All drainage districts legally under the Act repealed by section
2 73 of this Act shall be continued under this Act and this Act is not intended
3 to repeal any other Act relating to drainage other than the Act repealed by
4 section 73 of this Act.

- 1 Introduced by Mr. Durfee, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend an Act entitled “An Act to divide the State of Illinois, exclusive of the county of Cook, into judicial districts,” approved April 27, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two (2) of an Act entitled “An Act to divide the State of Illinois, exclusive of the county of Cook, into judicial districts,” approved April 27, 1897, in force July 1, 1897, be, and the same is, hereby amended to read as follows:

Sec. 2. That on Tuesday after the first Monday in November, A. D. 1910, there shall be elected in each of the said circuits by the electors thereof, by the general ticket, as provided by law for general elections, three judges of the circuit court, whose term of office shall be six years; and every six years there-

10 after there shall in like manner be elected in each of said circuits, three judges
11 of the circuit court, whose term of office shall be as aforesaid.

12 Sec. 2a. WHEREAS, An emergency exists; therefore this Act shall take
13 effect and be in force from and after its passage.

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- 1 Introduced by Mr. Fulton, March 9, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act to amend clause *first* of section 2 of an Act entitled “An Act to amend an Act entitled ‘An Act in relation to a Municipal Court in the city of Chicago, approved May 18, 1905,’ approved June 3, 1907.”

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That clause *first* of section 2 of an Act entitled “An
3 Act to amend an Act entitled ‘An Act in relation to a Municipal Court in the
4 city of Chicago, approved May 18, 1905,’ approved June 3, 1907,” be, and the
5 same is, hereby amended so as to read as follows, to-wit:
6 *First*—Cases to be designated and hereinafter referred to as cases of the
7 first class, which shall include (a) all actions on contracts, express or implied,
8 when the amount claimed by the plaintiff, exclusive of costs, exceeds one thou-
9 sand dollars (\$1,000.00); (b) all actions for the recovery of personal property
10 when the value of the property sought to be recovered, as claimed by the

11 plaintiff, exceeds one thousand dollars (\$1,000.00); (c) all actions for the re-
12 covery of damages for the conversion of personal property and actions for the
13 recovery of damages for injuries to personal property when the amount of
14 damages sought to be recovered, as claimed by the plaintiff, exclusive of costs,
15 exceeds one thousand dollars (\$1,000.00); and (d) all actions for the recovery
16 of damages for death or personal injury when the amount of damages sought
17 to be recovered, as claimed by the plaintiff, exclusive of costs, exceeds one
18 thousand dollars (\$1,000.00).

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- 1 Introduced by Mr. Hamilton, March 9, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to authorize circuit courts to transfer to county courts appeals from justices of the peace.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever there is pending in the circuit court an appeal from a justice of the peace, which appeal could have been taken to the county court, if the circuit court shall be of the opinion that the business pending for trial in that court at that term is greater than can be conveniently disposed of at that term, said circuit court may, in its discretion, enter an order transferring said appeal to the county court of that county. The circuit clerk shall thereupon transmit the files and papers in said cause to said county court, with a transcript of the record of said circuit court in said cause. Thereupon the county court shall take jurisdiction of said cause, and like proceedings may be had therein, and an appeal from the judgment of the county court therein may be

12 taken to, and a writ of error sued out from, the supreme or appellate court, as
13 the case may be, as if said appeal from said justice of the peace had originally
14 been taken to said county court. Any appeal bond executed in any case so trans-
15 ferred shall be binding upon the parties thereto with the same force and effect
16 as if given in a case taken directly from said justice of the peace to said county
17 court. This Act shall also be applicable to all causes removed from a justice
18 of the peace to the circuit court by writ of certiorari and to all bonds executed
19 in such proceedings by certiorari.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Hollenbeck, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section eleven (11) of an Act entitled “An Act to revise the law in relation to the Supreme Court,” approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 17, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eleven (11) of an Act entitled “An Act to revise the law in relation to the Supreme Court,” approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 17, 1907, in force July 1, 1907, be, and the same is, hereby amended so as to read as follows:

Sec. 11. A *marshal* for the Supreme Court is hereby created, such *marshal* to be selected by the Supreme Court, and the duties of such *marshal* shall be to attend upon its sittings and to perform such other duties, under the order and direction of the said court, as are usually performed by sheriffs of courts.

10 The salary of such *marshal* is hereby fixed in the sum of \$1,200.00 per year,
11 payable monthly, such salary to be paid out of any moneys in the treasury,
12 not otherwise appropriated, upon bills of particulars, signed by any one of the
13 justices of the Supreme Court.

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- 1 Introduced by Mr. Kittleman, March 9, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act entitled, An Act in regard to the removal and abatement of nuisances
and the collection of the costs thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the city council in cities and the president and
3 board of trustees in villages may, without prejudice to the other rights, powers
4 and remedies of the city or village, by ordinance provide that where any owner,
5 occupant or party in possession or control of property, refuses or fails, after
6 such reasonable notice in writing as may be prescribed by the ordinance, to
7 comply with a lawful order made under authority of any law or ordinance
8 directing him to remove or abate any nuisance existing in respect of his prop-
9 erty, such nuisance may be removed or abated by or under the authority of
10 the city or village at the expense of such owner, occupant or party in posses-

11 sion or control of said property, and the city or village shall be entitled to col-
12 lect all reasonable charges incurred by it or under its authority in removing
13 or abating such nuisance by legal proceedings against such owner, occupant or
14 party in possession or control of said property, in any court of competent juris-
15 diction.

Sec. 2. The city council in cities of more than 50,000 inhabitants shall
2 also have the power by ordinance to provide that when its proper officer or
3 officers shall determine that any nuisance which is a menace to the health or
4 safety of the inhabitants or the public can not be effectually or permanently
5 removed or abated without structural or other changes in the property upon
6 which such nuisance exists, the owner or agent in control of the premises
7 shall, after reasonable notice and an opportunity to be heard by such officer
8 or officers, make the changes necessary to the removal or abatement of such
9 nuisance; and that if such changes are not made within such reasonable time
10 as may be specified by notice, the city or village shall through its proper
11 officer or officers, make or cause to be made such structural or other changes,
12 and shall collect the reasonable expenses thereof from the owner by legal pro-
13 ceedings in any court of competent jurisdiction: *Provided*, that the aggregate
14 expense of the structural or other changes so made by the city in removing or
15 abating such nuisance shall not exceed the sum of two hundred dollars.

Sec. 3. In any suit brought under the provisions of either of the two fore-
2 going sections of this Act, when it shall appear by the affidavit filed or by the
3 return of the officer that the defendant is not a resident of this State, or on
4 due inquiry cannot be found, or is concealed within this State, so that process
5 cannot be served upon him, it shall be the duty of the clerk of the court in which
6 the suit is pending to give notice, by publication at least once in each week for
7 three weeks successively, in some newspaper published in this State, most
8 convenient to the place where the court is held, of such suit, the name of plain-

9 tiff, for what sum and before what court same is pending, and that unless the
10 defendant shall appear and plead within the time limited for his appearance,
11 judgment will be entered in his absence. And such clerk shall, within ten days
12 after the first publication of such notice, send a copy thereof by mail, addressed
13 to such defendant, if the place of residence is stated in such affidavit; and the
14 certificate of the clerk that he has sent such notice in pursuance of t his motion,
15 shall be evidence of that fact. No default or proceeding shall be taken against
16 any defendant not served with summons, unless he shall appear, until the ex-
17 piration of ten days after the last publication as aforesaid.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Lantz, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Penal and Reform-
atory Institutions.

A BILL

For an Act to amend an Act entitled "An Act to create a State Board of Pardons and to regulate the manner of applying for pardons and commutations," approved June 5, 1897, in force July 1, 1897, and to enlarge the duties and compensations of said board.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly: That an Act entitled "An Act to create a State Board*
3 *of Pardons and to regulate the manner of applying for pardons and commuta-*
4 *tions," approved June 5, 1897, in force July 1, 1897, be, and the same is, hereby*
5 *amended so as to read as follows: That for the purpose of providing further*
6 *regulations relative to the manner of applying for pardons, reprieves and com-*
7 *mutations of sentences, as contemplated in section 13, article V. of the consti-*
8 *tution, there is hereby created a Board of Pardons to consist of three persons,*

9 not more than two of whom shall belong to the same political party, to be appoint-
 10 ed by the Governor, by and with the advice and consent of the Senate, who shall
 11 hold office for the term of three years respectively, and until their successors
 12 are appointed and confirmed. *It shall be the duty of the State Board of Par-*
 13 *dons also to exercise the functions of the State Board of Parole. No member*
 14 *of such board shall hold any other office or place of employment under the gov-*
 15 *ernment of the United States, of this State, or of any of the municipal divi-*
 16 *sions thereof. At least one of the members of said board shall be a lawyer of*
 17 *sound legal training, and who has been admitted to practice in this State. The*
 18 *Governor shall designate one of said members to act as president during his*
 19 *term of appointment.* Whenever any vacancy shall occur on said board such
 20 vacancy shall be filled by the Governor for the unexpired portion of the term
 21 in the manner provided for the original appointment. The Governor may re-
 22 move any member of said board from office for misconduct, incompetency, or
 23 neglect of duty; and two members of said board shall constitute a quorum for
 24 the transaction of business.

Sec. 2. Said board shall appoint a clerk, whose duty it shall be to receive,
 2 file and safely keep all papers and documents relating to pardon cases, ready
 3 for the use of said board; to keep a record of the proceedings, decisions and
 4 recommendations of said board; and to perform such other duties as the board
 5 may prescribe. Said clerk shall receive a salary of \$2,000 per annum, to be
 6 paid in equal monthly installments. For stenographer, \$720 per annum.

Sec. 3. The Secretary of State shall set apart and properly furnish a
 2 room in the State capitol for the use of said board, and shall provide all need-
 3 ful books and stationery required for the transaction of their business.

Sec. 4. Said Board of Pardons shall make all such rules and regulations
 2 for the orderly conduct of their business, as may be deemed necessary. They

3 shall cause proper records to be kept in their office of their acts and proceed-
4 ings and shall hear all applications for pardons and for the commutation of
5 sentences in the order in which they are filed; but they shall have power to
6 take up any application out of its regular order where the exigencies of the case
7 may require it.

Sec. 5. All petitions and requests for pardons and commutations shall be
2 addressed to the Governor as heretofore, and, as to form, accompanying state-
3 ments, publication of notices, etc., shall be governed by the Act of May 31, 1879,
4 entitled "An Act to regulate the manner of applying for pardons, reprieves and
5 commutations," except that the three weeks' notice provided in that Act to be
6 given shall have reference to the hearing before the Board of Pardons, and
7 not the Governor; and every such petition or request shall, before its actual
8 presentation to the Governor, be filed and kept in the office of the Board of
9 Pardons for the preliminary action of said board, as contemplated by this Act.

Sec. 6. Regular quarterly meetings of said Board of Pardons shall be held
2 on the second Tuesdays of the months of January, April, July and October
3 in each year, *for the purpose of considering pardons and matters relating*
4 *thereto*, and the members may be called in special meetings at any time at the
5 summons of the Governor, or the chairman of the board.

Sec. 7. Said Board of Pardons shall, upon due public notice, give a full
2 hearing to each application for pardon or commutation filed with it, allowing
3 representation by counsel, if desired, after which they shall, without publicity,
4 make report upon each case to the Governor, accompanying such report with
5 the original petition and all accompanying papers and documents, and in such
6 report shall be embodied the conclusions and recommendations of the board,
7 with their reasons therefor, briefly stated, not less than two members concur-
8 ring therein; but this shall not deprive the third member of the right to file a

9 dissenting recommendation with the Governor. Such report of the board to the
10 Governor shall be advisory to him in his constitutional action upon the case.

Sec. 8. A full record of the report and recommendation made in each
2 case shall be kept in the office of said Board of Pardons. Said board shall in
3 no case assume to act as a court of review to pass upon the correctness, regu-
4 larity or legality of the proceedings in the trial court which resulted in convic-
5 tion, but shall confine itself to a hearing and consideration of those matters
6 only which properly bear upon the propriety of extending clemency by the Gov-
7 ernor in the case.

Sec. 9. Nothing in this Act shall be construed as depriving the Governor
2 of the right to hear any application made directly to him for a reprieve in
3 the case of a death sentence where the exigencies of the case require such re-
4 prieve in order to give the said Board of Pardons the time and opportunity
5 to properly investigate the case.

Sec. 10. Each member of said board shall receive a salary of \$4,000 per
2 annum, *and the member acting as president an additional \$1,000 per annum,*
3 payable in equal monthly installments, together with *the actual expenses of any*
4 *member incurred while traveling in the performance of his official duties as a*
5 *member of the Board of Pardons or of the Board of Parole, and such salary*
6 *shall be full compensation for acting as members of both of said boards.*

- 1 Introduced by Mr. Lantz, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Penal and Reformatory Institutions.

A BILL

For an Act to amend an Act entitled, "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime, and providing for a system of parole; and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899, as amended by an Act approved May 10, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly: That an Act to revise the law in relation to the*
3 *sentence and commitment of persons convicted of crime, and providing for a*
4 *system of parole, and to provide compensation for the officers of said system of*
5 *parole, approved April 21, 1899, in force July 1, 1899, as amended by an Act*
6 *approved May 10, 1901, and in force July 1, 1901, be amended so as to read as*
7 *follows: That every male person over twenty-one years of age, and every*
8 *female person over eighteen years of age, who shall be convicted of a felony*

9 or other crime punishable by imprisonment in the penitentiary, except treason,
10 murder, rape and kidnapping, shall be sentenced to the penitentiary, and the
11 court imposing such sentence shall not fix the limit or duration of the same,
12 but the term of such imprisonment shall not be less than one year, nor shall it
13 exceed the maximum term provided by law for the crime of which the prisoner
14 was convicted, making allowance for good time, as now provided by law.

Sec. 2. *The State Board of Pardons is hereby constituted a State Board*
2 *of Parole.* It shall be the duty of the *State Board of Parole to carry out the*
3 *provisions of this Act so far as it relates to the paroling of prisoners from the*
4 *State penitentiaries. Said board of parole shall meet monthly at the general*
5 *penitentiary at Joliet, and also monthly at the Southern penitentiary, at Chester,*
6 *to consider and act upon all matters of parole, and it shall be the duty of each*
7 *board of penitentiary commissioners to adopt such rules concerning all pris-*
8 *oners committed to their custody as shall prevent them from returning to crim-*
9 *inal courses, best secure their support, and accomplish their reformation. When*
10 *any prisoner shall be received into said penitentiary, the warden shall cause to*
11 *be entered in a register the date of such admission, the name, nativity, nation-*
12 *ality, with such other facts as can be ascertained of parentage, education, oc-*
13 *cupation and early social influences as seem to indicate the constitutional and*
14 *acquired defects and tendencies of the prisoner, and based upon these, an esti-*
15 *mate of the present condition of the prisoner, and the best probable plan of*
16 *treatment. And the physician of said penitentiary shall carefully examine*
17 *each prisoner when received and shall enter into a register to be kept by him*
18 *the name, nationality or race, the weight, stature and family history of each*
19 *prisoner, also a statement of the condition of the heart, lungs and other lead-*
20 *ing organs, the rate of pulse and respiration, the measurement of the chest*
21 *and abdomen, and any existing disease or deformity, or other disability, ac-*
22 *quired or inherited. Upon the warden's register shall be entered from time to*

time, minutes of observed improvement or deterioration of character, and notes as to the method and treatment employed; also all alterations affecting the standing or situation of such prisoner, and any subsequent facts or personal history which may be brought officially to his knowledge bearing upon the question of the parole or final release of the prisoner; and it shall be the duty of the warden, or, in his absence, the deputy warden, of each penitentiary to attend each meeting of the board of *parole* that is held at the penitentiary of which he is the warden, for the purpose of examining prisoners as to their fitness for parole. He shall advise with said board of *parole* concerning each case, and furnish said board of *parole* with his opinion, in writing, as to the fitness of each prisoner for parole, whose case said board may be considering. And it is hereby made the duty of every public officer to whom inquiry may be addressed by the clerk of the board of *parole*, concerning any prisoner, to give said board all information possessed or accessible to him, which may throw light upon the question of the fitness of said prisoner to receive the benefits of parole.

Sec. 3. It shall be the duty of the judge before whom any prisoner is convicted, and also the State's attorney of the county in which he is convicted, to furnish the board of *parole* an official statement of the facts and circumstances constituting the crime whereof the prisoner was convicted, together with all other information accessible to them in regard to the career of the prisoner prior to the time of the committal of the crime of which he was convicted, relative to his habits, associates, disposition and reputation, and any other facts and circumstances which may tend to throw any light upon the question as to whether such prisoner is capable of again becoming a law abiding citizen. It shall be the duty of the official court reporter, at the dictation of the judge of the said court or the State's attorney of said county, to write the official statements of the judge and State's attorney above referred to at

13 the time of the conviction of the prisoner, and it shall be the duty of the clerk
 14 of the court to cause such official statements to be attached to the mittimus
 15 with the copy of the judgment of the court at the time of issuing the same,
 16 and deliver the same, so attached to the mittimus, to the sheriff of the county
 17 for transmission to the penitentiary, at the time of the delivery of the prisoner to
 18 the warden; and it shall be the duty of the warden to report to the board of
 19 *parole* the receipt of such prisoner with such other official information as the
 20 board may require within five days after the receipt of such prisoner.

Sec. 4. The said board of *parole* shall establish rules and regulations under
 2 which prisoners in the state penitentiaries may be permitted to go upon parole
 3 outside of the penitentiary buildings and enclosures. But no prisoner shall
 4 be released from either penitentiary on parole until the State Board of *Parole*
 5 shall have made arrangements, or shall have satisfactory evidence that ar-
 6 rangements have been made, for his honorable and useful employment while
 7 upon parole, in some suitable occupation, and also for a proper and suitable
 8 home, free from criminal influences and without expense to the State. *Pro-*
 9 *vided, that if in the judgment of the board of parole the prisoner is capable*
 10 *independently of any such arrangements of making an honorable living, and is*
 11 *worthy of being left to his own resources, such prisoner may be so paroled, un-*
 12 *der the supervision of a parole agent. And provided further, that all prison-*
 13 *ers so temporarily released upon parole shall, at all times, until their receipt*
 14 *of their final discharge, be considered in the legal custody of the warden of the*
 15 *penitentiary from which they were paroled, and shall, during the said time, be*
 16 *considered as remaining under conviction for the crime of which they were*
 17 *convicted and sentenced, and subject at any time to be taken back within the*
 18 *enclosure of said penitentiary, and full power to enforce such rules and regu-*
 19 *lations and to retake and reimprison any inmate so upon parole, is hereby con-*
 20 *ferred upon the warden of said penitentiary, subject to the approval of the*

21 *State Board of Parole*, whose order or writ certified by the clerk of said peni-
 22 tentiary, with the seal of the institution attached, and directed to all sheriffs,
 23 coroners, constables, police officers, or to any particular person named in said
 24 order or writ, shall be sufficient warrant for the officer or other person named
 25 therein, to authorize said officer or person to arrest and deliver to the warden
 26 of said penitentiary the body of the conditionally released or paroled prisoner
 27 named in said writ, and it is hereby made the duty of all sheriffs, coroners,
 28 constables, police officers or other persons named therein to execute said order
 29 or writ the same as other criminal process. In case any prisoner so condition-
 30 ally released or paroled shall flee beyond the limits of the State, he may be re-
 31 turned pursuant to the provisions of the law of the State relating to fugitives
 32 from justice.

33 *Provided*, that the *State Board of Parole* may, in its discretion, permit any
 34 prisoner to temporarily and conditionally depart from such penitentiary on pa-
 35 role, and go to some county in *this or another* State and there remain within
 36 the limits of the county *named* and not to depart from the same without writ-
 37 ten authority from said board, for such length of time as the board may de-
 38 termine, and upon the further condition that such prisoner shall, during the
 39 time of his parole, be and continuously remain a law-abiding citizen of indus-
 40 trious and temperate habits, and report to the *board of parole* the **first day of**
 41 each month, giving a particular account of his conduct during the month, and it
 42 shall be the duty of such *board of parole*, through its *parole officers*, to investi-
 43 gate such report and ascertain what have been the habits and conduct of such
 44 prisoner during the time covered by such report. It shall also be the duty of
 45 *parole officers* to keep secret the fact that *any prisoner on parole* is a paroled
 46 prisoner, and in no case divulge such fact to any person or persons so long
 47 as said prisoner obeys the terms and conditions of his parole.

Sec. 5. Upon the granting of a parole to any prisoner, the warden shall pro-
 2 vide him with suitable clothing, ten dollars in money, which may be paid him

3 in installments at the discretion of the warden, and shall procure transporta-
4 tion for him to his place of employment or to the county seat of the county
5 to which he is paroled.

Sec. 6. It shall be the duty of the *board of parole* to keep in communica-
2 tion with all prisoners who are on parole, also with their employers, and when,
3 in the opinion of the board, any prisoner who has served not less than six
4 months of his parole acceptably, and has given satisfactory evidence that his
5 final release is not incompatible with the welfare of society, and the board
6 shall be of the opinion that such prisoner can safely be trusted to be at liberty,
7 the *board* shall have the power to cause to be entered of record in its office
8 an order discharging such prisoner for, or on account of his conviction, which
9 said order, when approved by the Governor, shall operate as a complete dis-
10 charge of such prisoner in the nature of a release or commutation of his sen-
11 tence, to take effect immediately upon the delivery of a certified copy thereof
12 to the prisoner; and the clerk of the court in which the prisoner was convicted
13 shall, upon presentation of such certified copy, enter the judgment of such con-
14 viction satisfied and released pursuant to said order. It is hereby made the
15 duty of clerks of the board of *parole* to send written notice of the fact to the
16 warden of the *penitentiary from which* any prisoner on parole is finally re-
17 leased by said board.

Sec. 7. In any case where prisoners have been transferred from the Illinois
2 State Reformatory to either of the penitentiaries, the State Board of Pardons
3 shall have power and authority, during the time such prisoners are in the
4 penitentiary, to grant paroles to such prisoners in all respects the same as
5 though they had been originally committed to such penitentiary; and said board
6 shall also have the power and authority in all cases where, in the opinion of
7 the board, the prisoner is under the age of twenty-one years, to transfer said
8 prisoner to the reformatory, and the board of managers of said reformatory

9 shall have full power and authority to grant paroles to such prisoners while in
10 said reformatory in all respects the same as though such prisoners had been
11 originally committed to said reformatory.

Sec. 8. Any public officer upon whom any duty is by the terms of this
2 Act imposed, and who shall wilfully and negligently refuse or fail to perform
3 such duty, shall be subject to a fine of not exceeding fifty dollars in each case,
4 recoverable in an action of debt in the name of the People of the State of
5 Illinois, the proceeds to be devoted to the library fund of the penitentiary of
6 the proper district.

Sec. 9. *The State Board of Parole shall have power and authority to ap-*
2 *point a chief parole agent, and such number of parole agents as may be neces-*
3 *sary, not exceeding one agent to every fifty prisoners paroled under this Act, to*
4 *carry out the provisions of this Act, and to prescribe the duties of such agents.*
5 *Such chief parole agent and parole agents shall at all times be subject to the*
6 *authority and orders of said board. The chief parole agent shall receive a sal-*
7 *ary not to exceed \$2,500 per year, and the parole agents salaries not to exceed*
8 *\$1,500 each per year, payable monthly upon the certificate of the board of pa-*
9 *role, and upon warrants drawn by the Auditor of Public Accounts, out of any*
10 *money in the treasury not otherwise appropriated. The chief parole agent and*
11 *parole agents shall also be allowed actual traveling expenses incurred while in*
12 *the performance of their duties, and approved by the board to be paid in the*
13 *manner above provided.*

14 *The board of parole shall maintain an office at the penitentiary at Joliet,*
15 *and also one at the Southern penitentiary at Chester, with authority to employ*
16 *a clerk at each place, whose compensation shall be not more than \$1,500 each,*
17 *per annum.*

Sec. 10. Every sentence to the Illinois State Reformatory of a person
2 hereafter convicted of a felony or other crime, shall be a general sentence to
3 imprisonment in the Illinois State Reformatory, and the courts of this State
4 imposing such sentence shall not fix or limit the duration thereof. The term of
5 such imprisonment of any person so convicted or sentenced shall be terminated
6 by the board of *parole*, but only upon the recommendation, in writing, of the
7 board of managers of the said reformatory; but such imprisonment shall not ex-
8 ceed the maximum term provided by law, for the crime for which the prisoner
9 was convicted and sentenced.

Sec. 11. That an Act entitled, "An Act in relation to the sentence of pris-
2 oners convicted of crime, and providing for a system of parole," approved
3 July 15, 1895, in force July 1, 1895; also an Act entitled, "An Act to amend
4 an Act in relation to the sentence of prisoners convicted of crime, and pro-
5 viding for a system of parole," approved June 10, 1897; and section 13 of "An
6 Act to establish the Illinois State Reformatory and making an appropriation
7 therefor," approved June 18, 1891, and in force July 1, 1891, and all parts of
8 laws not in harmony with the provisions of this Act are hereby repealed: *Pro-*
9 *vided*, that such repeal shall not affect any conviction heretofore had under
10 said laws, except that any person convicted under either of the Acts specifically
11 named in this section may, with the consent of the board, receive the benefits
12 of this Act.

- 1 Introduced by Mr. Lantz, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act prohibiting the participating in, and the exhibition of, certain theatrical, dramatic and other forms of amusement on the first day of the week, commonly called Sunday, and fixing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whoever, on the first day of the week, commonly called Sunday, participates in, or exhibits to, the public, with or without charge for admittance, in any building, room, ground, garden or other place in this State, any theatrical or dramatic performance of any kind or description, or any equestrian or circus performance of jugglers, acrobats, rope dancing, sparring exhibitions, variety shows, negro minstrelsy, living statuary, balloon-ing, or any base ball playing, or any ten-pins or other games of similar kind or kinds, or participates in keeping any low or disorderly house of resort, or shall sell, dispose of, or give away any ale, beer, porter or spirituous liquors

11 in any building appendant or adjacent thereto where any such show, perform-
12 ance or exhibition is given, or houses or place is kept, he or she shall, on com-
13 plaint made within twenty days thereafter, be fined in any sum not exceed-
14 ing one hundred dollars, or be confined in the county jail not exceeding six
15 months, or both, at the discretion of the court.

- 1 Introduced by Mr. McNichols, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation of the amount of the uncollected salary of Paul I. Zaabel, deceased member of the 46th General Assembly in favor of the widow.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of one thousand dollars (\$1000) be and
3 the same is hereby appropriated out of any funds in the State treasury not other-
4 wise appropriated, and directed to be paid by the Treasurer upon the warrant
5 of the Auditor of Public Accounts, to Wally Zaabel, the widow of Paul I. Zaa-
6 bel, deceased member of the 46th General Assembly of the State of Illinois.

Sec. 2. WHEREAS, an emergency exists, therefore this Act shall take effect
2 and be in force from and after its passage.

- 1 Introduced by Mr. Sollitt, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have the power to license street advertising and bill-board companies and to regulate the character and control the location of signs and bill-boards upon vacant property and upon buildings.

- 1 Introduced by Mr. Terrill, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 10 of "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, as amended by an Act approved May 16, 1905.

SECTION 1 *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 10 of "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, as amended by an Act approved May 16, 1905, be and the same is hereby amended so as to read as follows:

7 Sec. 10. The members of the State Mining Board, except the mining
8 engineer, shall receive as compensation for their services the sum of one
9 thousand dollars (\$1,000) per annum, payable monthly; the member perform-

ing the duty of mining engineer, on account of additional work, shall receive fifteen hundred dollars (\$1,500) per annum, payable monthly, they to pay their own expenses. When cases are to be investigated by the members of the State Mining Board, they shall receive their expenses, but no per diem compensation. The salary of the secretary shall be \$1,500 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties. All such salaries and expenses of the board and of its secretary shall be paid upon vouchers duly sworn to by each and approved by the president of the board and by the Governor, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

- 1 Introduced by Mr. Troyer, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 32 of an Act entitled, "An Act in regard to the practice in actions of ejectments," approved March 20, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 32 of an Act entitled, "An Act in re-
3 gard to the practice in actions of ejectments," approved March 20, 1872, and
4 in force July 1, 1872, be amended to read as follows:

5 Sec. 32. In cases where no other provision is made, the judgment in the
6 action if the plaintiff prevail shall be that the plaintiff recover the possession
7 of the premises according to the verdict of the jury, if there was such ver-
8 dict, or the finding of the court if the case is tried without a jury; or if the
9 judgment be by default, according to the description thereof in the declara-
10 tion, with costs to be taxed, *and every such judgment entered on behalf of any*

11 plaintiff shall provide that the plaintiff pay to any person or corporation,
12 either private or municipal, who is a defendant in such proceeding and who
13 makes any claim by virtue of a tax-deed to the premises involved in such pro-
14 ceeding, the amount paid at the sale of said premises for taxes or special as-
15 sessments on which the tax-deed under which such defendant claims title to
16 said premises is based, together with the costs of procuring the issuance of such
17 tax-deed and the costs of recording the same, together with interest at six
18 per cent (6 per cent) per annum on all of said sums from the date of the pay-
19 ment thereof to the date of the entry of such judgment.

AMENDMENTS TO

46th Assem.

HOUSE—No. 257

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1

Amend House Bill No. 257 by striking out of line 11 of the printed bill, the words “person or” and inserting the word “municipal” in lieu thereof.

AMENDMENT NO. 2.

Amend House Bill No. 257 by striking out of line 12 of printed bill the words “either private or municipal who” and inserting the word “which” in lieu thereof.

-
- 1 Introduced by Mr. H. W. Wilson, by request, March 9, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Fraternal and Mutual Insurance.

A BILL

For an Act fixing the agency of officers of fraternal beneficiary societies and of grand and subordinate lodges thereof, and concerning the larceny and embezzlement of funds and property of fraternal beneficiary societies, their grand and subordinate lodges and members thereof, by officers thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That all officers of any subordinate lodge of a fraternal beneficiary society doing business in this State who receive, hold or disburse funds or property of any such subordinate lodge or members thereof as such shall, for all purposes of such society, be the agents and servants respectively of such lodge in receiving, holding or disbursing the funds or property thereof and of the members of such subordinate lodges in receiving, holding or disbursing funds or property to be transmitted to such respective societies, except as shall be otherwise expressly provided in the laws of such

10 respective societies, and all officers of all grand lodges thereof or of any such
11 society who, by virtue of their respective offices, receive, hold or disburse the
12 funds or property of any such grand lodge or society, shall be deemed to be
13 the agents and servants respectively of such grand lodge or society; and it shall
14 be sufficient in any indictment for larceny, larceny as bailee or embezzlement
15 of funds or property of any such society, grand lodge, subordinate lodge or
16 members thereof as such, to allege the title to such funds and property to be
17 in such society, grand lodge, subordinate lodge or members thereof as such, as
18 the case may be, by the name under which the same is commonly known, and it
19 shall not be a defense under such indictment that any such officer has a per-
20 sonal interest in such fund or property as a member or otherwise.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take effect

2 and be in force from and after its passage and its approval by the Governor.

-
- 1 Introduced by Committee on Judicial Apportionment, March 9, 1909.
 - 2 Read first time, ordered printed and to a second reading.

A BILL

For an Act to amend an Act entitled "An Act to divide the State of Illinois, exclusive of the county of Cook, into judicial circuits," approved April 23, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That in lieu of the circuit courts provided by law
3 and now existing, the State of Illinois, exclusive of the county of Cook, shall
4 be, and the same is, hereby divided into judicial circuits as follows:

5 First Circuit—The counties of Massac, Johnson, Pope, Hardin, Saline, Gal-
6 latin, Hamilton and White.

7 Second Circuit—The counties of Wayne, Edwards, Wabash, Lawrence,
8 Richland, Clay, Jasper, Cumberland and Crawford.

9 Third Circuit—The counties of St. Clair, Madison and Bond.

10 Fourth Circuit—The counties of Clinton, Fayette, Effingham, Shelby,
11 Christian and Montgomery.

- 12 Fifth Circuit—The counties of Vermilion, Edgar, Coles and Clark.
- 13 Sixth Circuit—The counties of Champaign, Douglas, Moultrie, Macon,
14 DeWitt and Piatt.
- 15 Seventh Circuit—The counties of Sangamon, Macoupin, Morgan, Scott,
16 Green and Jersey.
- 17 Eighth Circuit—The counties of Adams, Schuyler, Mason, Cass, Brown,
18 Pike, Calhoun and Menard.
- 19 Ninth Circuit—The counties of Knox, Warren, Henderson, Hancock, Mc-
20 Donough and Fulton.
- 21 Tenth Circuit—The counties of Peoria, Marshall, Putnam, Stark and
22 Tazewell.
- 23 Eleventh Circuit—The counties of McLean, Livingston, Logan, Ford and
24 Woodford.
- 25 Twelfth Circuit—The counties of Will, Kankakee and Iroquois.
- 26 Thirteenth Circuit—The counties of Bureau, LaSalle and Grundy.
- 27 Fourteenth Circuit—The counties of Rock Island, Mercer, Whiteside and
28 Henry.
- 29 Fifteenth Circuit—The counties of Jo Daviess, Stephenson, Carroll, Ogle
30 and Lee.
- 31 Sixteenth Circuit—The counties of Kane, DuPage, DeKalb and Kendall.
- 32 Seventeenth Circuit—The counties of Winnebago, Boone, McHenry and
33 Lake.
- 34 Eighteenth Circuit—The counties of Alexander, Pulaski, Union, William-
35 son and Franklin.
- 36 Nineteenth Circuit—The counties of Jackson, Perry, Randolph, Monroe,
37 Washington, Jefferson and Marion.

38 Sec. 74. On the first Monday of June, A. D. 1909, there shall be elected
39 in each of said circuits by the electors thereof by the general ticket, as pro-

40 vided by law for general elections, three judges of the circuit court, whose term
41 of office shall be six years; and every six years thereafter there shall in like
42 manner be elected in each of said circuits three judges of the circuit court,
43 whose term of office shall be as aforesaid.

44 Sec. 75. The terms of the circuit courts in the respective counties shall
45 be held at the times and places now provided, or which may hereafter be pro-
46 vided, by law.

47 Sec. 76. All Acts and parts of Acts inconsistent with the provisions of this
48 Act are hereby repealed.

- 1 Introduced by Mr. Shanahan, by request, March 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the State Charitable Institutions herein
named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the following sums be and are hereby appropri-
3 ated to the State institutions named in this Act, for the purposes herein stated.
4 The sum of \$75,500, and that the appropriations shall be apportioned between
5 the institutions and shall be payable as herein stated, as follows:

6	To the Illinois Northern Hospital for the Insane, Elgin—	
7	For maintenance until July 1, 1909.....	\$15,000.00
8	For Hospital for tubercular patients.....	25,000.00
9	For completing and furnishing hospital cottage	15,000.00
10	<hr/>	
11	Total	\$55,000.00

12 To the Illinois Eastern Hospital for the Insane, Kankakee—
13 For completing, furnishing and equipping Psychopathic Hospital... \$20,500.00

Sec. 2. The moneys herein appropriated shall be due and payable to the
2 trustees of the institutions herein named, or their order, only on the terms and
3 in the manner now provided by law.

Sec. 3. WHEREAS, The items of expenditures herein above provided for are
2 absolutely necessary and the appropriations therefor should be made at once,
3 therefore an emergency exists and this Act shall take effect and be in force
4 from and after its passage.

- 1 Introduced by Mr. Burns, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to abolish the office of county surveyor, and in its place, to establish that of county engineer with additional duties and powers as set forth in the following sections.

- SECTION 1.** *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly: COUNTY ENGINEER—OFFICE OF SURVEYOR AROLISHED.]*
3 That at the expiration of the present term of the office of surveyor it shall be
4 abolished, and thereafter, in its stead, the office of county engineer shall be in
5 force as hereinafter provided.

- Sec. 2. QUALIFICATIONS—BOND.] The candidate or nominee for the office of
2 county engineer must be a graduate of a credited technical college or university.
3 or show that he has been employed in the engineering department of reputable

4 engineering companies, railroads or United States government, for at least five
5 years prior to date of oath of office.

6 The Secretary of State upon receipt of diploma from a technical college or
7 university, or proper credentials showing technical experience, as above pro-
8 vided, shall issue to such successful nominee a certificate of qualifications, with
9 name and official capacity, and not until such certificate is issued shall such
10 nominee be entitled to act in an official way.

11 Each successful nominee shall give bond as follows: Counties of the first
12 class, twenty-five hundred dollars; counties of the second class, two thousand
13 dollars; counties of the third class, eighteen hundred dollars and Cook county
14 five thousand dollars.

Sec. 3. DUTIES OF COUNTY ENGINEER.] The duties of the county engineer
2 shall be as follows: To make land surveys as provided in chapter 133 of the Re-
3 vised Statutes, which laws governing such surveys remain in full force; to be
4 at the service of the State, county or highway commissioners, for the purpose
5 of surveying, establishing grades, etc., for all lands subject or affecting drain-
6 age of highways; to establish grades for roads; to set proper grade stakes for
7 same, with number of station and cut or fill plainly marked upon each stake;
8 to design all bridges, or culverts used in the county, or submitted to him for his
9 approval, furnishing specifications and contracts for all contractors desiring to
10 bid upon such structures; to set the amount of bond for all contractors on all
11 county construction work, except as heretofore provided by statute; in fact, to
12 do all county work that may be classed as civil engineering.

Sec. 4. COMPENSATION—STATE APPORTIONMENT.] (a) The compensation
2 shall be a salary payable quarterly at the following rates per annum: Counties
3 of the first class, \$1,500.; counties of the second class, \$1,000; counties of the
4 third class, \$800, and Cook county \$2,500, including a suitable office, lights, tele-

5 phone and stationery, and such supplies and assistance as are necessary, such
6 as office and field assistants, draughting, profile, tracing, blue print and detail
7 papers, together with all books for record.

8 (b) STATE APPORTIONMENT.] The State shall pay out of its treasury one-
9 third of the salary attached to the office of the county engineer.

10 The county engineers, together with the State Engineer and his assistants,
11 shall meet at Springfield, Illinois, for a two days meeting twice each year at
12 dates to be set by the State Engineer, and notice sent to each county engineer
13 at least sixty days prior to date of meeting—purpose—to discuss general en-
14 gineering work and public resources that may be of importance to the general
15 public.

16 Minutes shall be kept of the proceedings of the meetings and copies sent to
17 the Governor.

18 The county engineer shall receive two dollars per day and five cents per
19 mile for expenses and mileage from the State treasury upon presentation of cer-
20 tificate of attendance from the secretary of such meetings.

Sec. 5. RECORDS—HOW KEPT.] (a) The State shall furnish all blank forms
2 used by the county engineer in his various reports to the State or State Engineer.

3 The county shall furnish all books and files necessary for keeping record and
4 list of all work done in an official capacity, and any engineer that fails to keep
5 such record shall be subject to a fine of not less than \$50 or more than \$200 for
6 each offense.

7 (b) The engineer shall keep his records in the order of the townships, and
8 record of work in each township shall be kept separate. Each plat or draw-
9 ing shall be made to a convenient scale, and all dimensions shown in feet and
10 inches or feet and tenths, hundredths and thousandths of a foot.

11 The scale shall be marked upon each plat or drawing together with date and
12 name of draughtsman.

13 If the county engineer has an office outside the public buildings, a safe shall
14 be provided by the county for the keeping of the records.

15 If any person or engineer makes any survey in the county of any nature what-
16 ever it shall be placed upon file in the county engineer's office, and upon failure
17 to do so shall be subject to the same fine as provided in (a) of this section.

 Sec. 6. PLANS.] Work should be anticipated in such a manner that the
2 engineer can make all plans and estimates during the winter months, leaving the
3 open season for superintendence and field work.

 Sec. 7. FEES.] For all land surveying and farm drainage work the fees
2 shall be as provided in chapter 133 of the Revised Statutes, except each party
3 requiring a survey shall pay for the recording of plat upon the engineer's
4 records.

5 All work done by the engineer in an official way, except in connection with
6 highways, the engineer shall receive \$6 per day and expenses, and \$10 per day
7 when he furnishes assistants, such fees to be turned into the county treasury,
8 and treasurer to receipt for the same, or the engineer may furnish receipt for
9 the same to the treasurer and have the same applied toward his salary, but not
10 to exceed salary due from the county.

 Sec. 8. LAND DRAINAGE.] All plans for farm or land drainage must be sub-
2 mitted to the county engineer, and receive his approval, before such ditches or
3 drains shall be installed, this section is to prevent such drainage from having
4 an outfall or improper grades that might effect the highways or the rights of
5 others.

1 Introduced by Mr. Burns, March 10, 1909.

2 Read by title, ordered printed and referred to Committee on Farm Drainage.

A BILL

For an Act to provide for drainage of land joining any State, county or township highway, or any thoroughfare used by the general public, where such drainage will benefit or lessen the maintenance expense of such highway or thoroughfare, according to the judgment of the State, county or township highway commission.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* HIGHWAY OR THOROUGHFARE.] That highway or
3 thoroughfare shall mean and ever be construed to mean when used in connection
4 with this Act, any path or piece of land that has been set aside for the purpose
5 of the public to pass over either by foot or vehicle (vehicle not to include that
6 which runs on rails or any other so-called track) and is maintained by State,
7 county or township.

Sec. 2. TOPOGRAPHY.] Whenever the topography of the land that a high-
2 way, or any portion of a highway, is located through or over, is such that

3 water stands upon it for at least two weeks after a rain, it shall be taken as
 4 sufficient reason to warrant any State, county or township highway commis-
 5 sioners to order, at their discretion, a survey and drainage of all adjoining
 6 land affected by such topography, for the purpose of draining such areas as
 7 may affect any portion of highway or highways.

Sec. 3. PROCEDURE.] The State, county or township highway commis-
 2 sioners shall serve each owner or owners of land abutting upon such lines as
 3 may be laid out for ditching or tiling, for drainage purposes, written notices
 4 of their proposed plans, at least ten days prior to date that work shall begin.

5 Notices must be accompanied by plats showing alignment, grades and cost
 6 of work, as near as possible, and a pro rata cost sheet showing the apportion-
 7 ment of costs to each land owner or owners, State, county or township.

Sec. 4. POWERS OF COMMISSIONERS AND APPORTIONMENT OF COSTS.] (a) The
 2 power is hereby given to the State, county or township highway commissioners
 3 to enter upon any land or lands and to cause such surveys and drainage con-
 4 struction as is necessary to be done, to place such highway or portion of high-
 5 way in a sanitary condition, or to carry away waters that settle underneath the
 6 roadbed of such highway or portion of highway, as does or may cause a mainte-
 7 nance expense, in order, to keep such highway in a proper, safe, and sanitary
 8 condition for public use.

9 (b) Under no condition shall any owner or owners of land claim or receive
 10 any compensation for damages to land or lands thus appropriated, except where
 11 such land or lands are, prior to the service of the notice, used for the growing
 12 or cultivation of crops that require swampy or over-flowed lands, such as rice,
 13 cranberries, etc., but this clause shall not be construed in any way to apply to
 14 any kind of grasses.

15 If open ditches are maintained over or through such lands the commis-
 16 sioners shall provide, at the expense of the State, county or township, which-

17 ever the road may belong that is to receive the benefit, convenient crossings
18 over such open ditch or ditches.

19 (c) HOW COSTS SHALL BE DISTRIBUTED.] The expense of the first twenty-
20 five hundred (2,500) feet each side of center line of highway shall be shared
21 equally by land owner or owners and State, county or township.

22 If it becomes necessary to drain the land or lands beyond the twenty-five
23 hundred (2,500) foot limit, then the State, county or township shall pay only
24 25 per cent of the costs for the next one thousand (1000) feet, and for every
25 additional one thousand feet thereafter, the State, county or township expense
26 shall decrease at the ratio of 5 per cent for each additional thousand feet.

27 At the above ratios, it appears that the benefits derived will be largely to
28 the owner or owners of such land or lands as may be drained by the system,
29 therefore the apportionment of the expense seems fair and equitable, but owing
30 to local conditions that seem unusual, should the commissioners and engineer
31 deem it unjust, they may appoint three men, at their discretion, to adjust the
32 pro rata expense among the land owner or owners and State, county or town-
33 ship, as may be fair and equitable in their best judgment. Their compensation
34 to be fixed by the commissioners.

35 (d) METHODS TO RAISE FUNDS, AND TERM OF PAYMENT BY OWNERS OF LAND.]
36 If the State, county or township does not have funds in the treasury to meet the
37 cost of construction of such drainage, and the amount necessary does not exceed
38 five hundred (\$500) dollars per year they may borrow the amount on a note, in-
39 terest not to exceed $4\frac{1}{2}$ per cent, and for a term not to exceed three years.
40 Should the amount necessary exceed five hundred (\$500) dollars, then the com-
41 missioners are hereby empowered to call a special election for the purpose of
42 issuing bonds, such bonds not to exceed five thousand (\$5,000) dollars, interest
43 on same not to exceed 4 per cent.

44 Notices for such election shall be posted in four conspicuous places within
45 the township not less than fifteen days prior to date of such election.

46 The apportionment of costs to the owner or owners of land or lands shall
 47 be made up into what shall be termed "Special Drainage Assessment," and
 48 shall be paid in quarterly sums, except as hereinafter provided, of twenty-five
 49 (\$25) dollars by each owner or owners of land subject to such assessment, or
 50 any fraction thereof, together with their pro rata of interest on bonds or bor-
 51 rowed funds, that were issued or borrowed for such drainage expenses.

52 Payments of such assessments to continue quarterly until such expense is
 53 all paid and all accrued interest on bonds or borrowed money.

54 If any owner or owners of land or lands desire to pay all of such assess-
 55 ments at once they may do so, and receive the discount of interest that would
 56 have accrued on the same.

Sec. 5. DRAIN—WHERE TO.] All drains and ditches shall be constructed in
 2 such a manner as to flow into some water course, and in no case shall they be
 3 left to flow upon the meadow lands.

4 There shall be no outlet nearer than two hundred feet to any buildings with-
 5 out the written consent of owner or owners, and under this Act there shall be
 6 no ditch left open nearer than one thousand feet to any buildings, with or with-
 7 out consent of owner or owners.

- 1 Introduced by Mr. Campbell, by request, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 93 of division 1 of an Act entitled “An Act to revise the laws in relation to criminal jurisprudence,” approved March 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 93 of division 1 of an Act entitled “An
3 Act to revise the laws in relation to criminal jurisprudence,” approved March
4 27, 1874, in force July 1, 1874, be and the same is hereby amended to read as
5 follows:

6 Sec. 93. EXTORTION BY THREATS.] Whoever, either verbally or by written
7 or printed communication, maliciously threatens to accuse another, or a relative
8 of his, or any member of his family, of any criminal offense, or to expose or im-
9 pute to him, or any of them, any deformity or disgrace, or to expose any secret
10 affecting him or any of them, or to do any unlawful injury to his person or

11 property, or to any relative of his, or any member of his family, with intent
12 thereby to extort any money or pecuniary advantage whatever, or to compel
13 the person so threatened to do any act against his will, though no money,
14 goods, chattels or valuable thing be actually demanded, shall be punished by a
15 fine of not more than \$1,000 or by imprisonment in the penitentiary of not more
16 than fourteen years, or by both such fine and imprisonment.

- 1 Introduced by Mr. Cermak, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to amend section 2 of article 7 of an Act entitled “An Act regulating the holding of elections and declaring the result thereof in cities, villages or incorporated towns in this State,” approved June 19, 1885, and as amended by an Act approved and in force April 1, 1897, and as amended by an Act approved May 11, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Asesmbly:* That section 2 of article 7 of an Act entitled “An
3 Act regulating the holding of elections and declaring the result thereof in cities,
4 villages and incorporated towns in this State,” approved June 19, 1885, and as
5 amended by an Act approved and in force April 1, 1897, and as amended by an
6 Act approved May 11, 1901, shall be and is hereby amended to read as follows:

7 Sec. 2. All judges and clerks of election in counties of the second and third
8 class under this Act shall be allowed and paid at the rate of ten dollars (\$10.00)
9 per day.

-
- 1 Introduced by Mr. Church, March 10, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to define personal property brokers and regulate their charges and
business.

SECTION 1. PERSONAL PROPERTY BROKERS DEFINED.] *Be it enacted by the*
2 *People of the State of Illinois, represented in the General Assembly: That*
3 every person or corporation engaged in the business of loaning or advancing
4 money or other thing and taking in whole or in part as security for such loan
5 or advance, any chattel mortgage, bill of sale or other obligation or contract
6 involving the forfeiture of rights in or to personal property, the use, posses-
7 sion or control of which is retained by the borrower, or engaged in the busi-
8 ness of loaning or advancing money or other thing, and taking either in whole
9 or in part as security therefor, any lien on, assignment of or power of attorney
10 relative to wages, salary, earnings, income or commission, shall be held, and, for

11 the uses and purposes of this Act, is hereby declared and defined to be a Personal
12 Property Broker.

Sec. 2. RATE PER MONTH OF INTEREST ALLOWED.] Such personal property
2 broker may charge, receive and collect a benefit or percentage upon money or
3 other thing advanced, or for the use and forbearance thereof, of four (4 per
4 cent) per centum per month where such loan or advance is made upon security
5 properly falling within the scope of business as set forth in section one (1)
6 hereof: *Provided*, that nothing herein shall be construed so as to conflict with
7 the laws pertaining to usury.

Sec. 3. WHAT OTHER CHARGES ALLOWED.] No further or other charges,
2 either for insuring or examining the security or property, or for the drawing,
3 executing or filing of papers, or for commissions or extensions or for any ser-
4 vices or upon any pretext whatsoever beyond the aforesaid charge for interest
5 or discount shall be asked, charged or in any way received, where the same
6 would thereby make a greater charge for the money or thing advanced than
7 the aforesaid rate of four (4 per cent) per centum per month; and where made,
8 all such charges shall be considered and be of the same effect as so much added
9 interest: *Provided, however*, that with the consent of the borrower he may
10 be required to pay the fees or charges actually expended where the same are
11 made necessary by law, to give full legal effect to any instrument given here-
12 under.

Sec. 4. PENALTY FOR CHARGING OR COLLECTING MORE THAN FOUR (4 PER
2 CENT) PER CENTUM PER MONTH.] No contract of any kind or nature made by any
3 personal property broker, which comes within the scope of business as set forth
4 in section one (1) hereof, or which in any way involves any security given to
5 secure the performance of such a contract, shall be valid or of any force, virtue
6 or effect, either at law or in equity, and all right or claim to or involving princi-

7 pal, interest and security, shall be absolutely forfeited, if there is therein or
 8 thereon directly or indirectly charged, accepted or contracted to be received or
 9 paid, either in money, goods, discount or thing in action, or in any other way,
 10 a greater benefit, rate of discount or interest than the rate of four (4 per
 11 cent) per centum per month; and if a greater benefit, rate of discount or inter-
 12 est than four (4 per cent) per centum per month is directly or indirectly ad-
 13 vanced or paid upon any such contract made as aforesaid by such personal
 14 property broker, the excess above the said rate of four (4 per cent) per centum
 15 per month so advanced or paid may be demanded and recovered by the per-
 16 son, or his legal representatives or assigns, who advanced or paid the same,
 17 from the person or corporation either to whom or for whose use or benefit such
 18 payment or advance or any part thereof was made.

Sec. 5. MEMORANDUM TO BE GIVEN BORROWER—WHAT TO CONTAIN.] When-
 2 ever a loan or advance shall be made, renewed or extended hereunder there
 3 shall be given to the borrower a ticket or memorandum plainly inscribed with
 4 the name of the person or corporation making the loan, and the members or
 5 general partners of the same if it be a firm, partnership or association and
 6 further designating the number and nature of the instruments taken as secur-
 7 ity, the number of notes and amount of each, and the name of the party or
 8 parties in whose favor each of the aforesaid papers are executed, when the
 9 same are payable, the amount actually advanced thereon, the amount including
 10 all interest and expenses charged or to be paid for such loan or advance, and a
 11 copy of this Act.

Sec. 6. PENALTY FOR VIOLATION OF SECTION FIVE (5) HEREOF.] The failure
 2 of any person or corporation, or any employe, employes, agent, agents, rep-
 3 resentative or representatives thereof making, renewing or extending a loan or
 4 advance property falling within the scope of business as set forth in section one

5 (1) of this Act, to comply with any or any part of the provisions of section five
6 (5) hereof, shall be punishable by a fine of not to exceed fifty (\$50.00) dollars
7 for the first offense, and by a fine of not to exceed two hundred (\$200.00) dol-
8 lars for each subsequent offense.

- 1 Introduced by Mr. Clark, by request, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act relative to the practice of veterinary surgery.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or persons
3 to castrate horses, mules or asses, except a registered veterinary surgeon, or a
4 student under his preceptor, who has spent not less than one year in a recog-
5 nized veterinary college.

- 1 Introduced by Mr. Kittleman, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to provide for the reading of the Bible in the public schools of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That portions of the Bible be read without sectarian
3 comment in the public schools of Illinois.

-
- 1 Introduced by Mr. Morris, March 10, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

A BILL

For an Act to protect labor unions in their methods of distinguishing, designating and making known the products of the labor of their members.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person, firm, asso-
3 ciation or corporation to use the label of any association or union of working-
4 men.

Sec. 2. This Act shall be known as the "Trades Union Label Act."

Sec. 3. The word, "label" as used in this Act shall include any label, trade
2 mark, term, design, device, or form of advertisement adopted or that may here-
3 after be adopted for the purpose hereinafter specified.

4 Any label, counterfeit or imitation of any label shall be deemed and held
5 to be attached to goods, wares, merchandise or other product of labor, if it be

6 in any way attached, affixed, printed, painted, stamped or impressed to or up-
7 on such goods, wares, merchandise or other product of labor, or to, or upon the
8 box, case or package containing such goods, wares, merchandise or other pro-
9 duct of labor.

Sec. 4. Whenever any association or union of workingmen has heretofore
2 adopted or used or shall hereafter adopt or use a label for the purpose of des-
3 ignating, making known or distinguishing any goods, wares, merchandise or
4 other product of labor as having been made, manufactured, produced, pre-
5 pared, packed or put on sale by a member or members of such association
6 or union, it shall be unlawful to counterfeit or imitate such label, or to use, sell,
7 offer for sale or in any way use, sell, offer for sale or in any way utter or cir-
8 culate any counterfeit or imitation of any such label.

Sec. 5. Whoever counterfeits or imitates any such label or sells, offers
2 for sale or in any way utters or circulates any counterfeit or imitation of any such
3 label, or sells or disposes of any goods, wares, merchandise or other products
4 of labor to which any such counterfeit or imitation is attached, or keeps or
5 has in his possession with intent that same shall be sold or disposed of, any
6 goods, wares, merchandise or other product of labor to which any such counter-
7 feit or imitation is attached shall be punished by a fine of not less than \$100.00
8 nor more than \$500.00 or by imprisonment for not more than twelve months,
9 or both.

Sec. 6. Every such association or union that has heretofore adopted or
2 used, or shall hereafter adopt or use, a label, as provided in section 3 of this
3 Act, may file the same for record in the office of the Secretary of State by
4 leaving two counterparts or *fac similes* thereof with said Secretary and by filing
5 therewith a sworn application specifying the name or names of the association or
6 union on whose behalf such label shall be filed; the class of merchandise and a

7 description of the goods to which it has been or is intended to be appropriated,
8 stating that the party on whose behalf such label shall be filed has the right to
9 the use of the same; that no other person, firm, association, union or corpora-
10 tion, has the right to such use, either in the identical form or in such near re-
11 semblance thereto as may be calculated to deceive, and that the *fac similes* or
12 counterparts filed therewith are true and correct. There shall be paid for such
13 filing and recording a fee of one dollar. Said secretary shall deliver to such
14 association or union so causing to be filed, any such label, so many duly at-
15 tested certificates of the recording of the same as such association or union
16 may apply for, for each of which certificates said secretary shall receive a fee
17 of one dollar. Any such certificate of record shall in all suits and prosecutions
18 under this Act be sufficient proof of the adoption of such label and of com-
19 pliance with this Act. Said Secretary of State shall not record for any person,
20 union or association any label that would probably be mistaken for any such
21 label theretofore filed by or on behalf of any other union or association.

Sec. 7. Any person who shall for himself or on behalf of any other per-
2 son, association or union procure the filing of any label in the office of the
3 Secretary of State under the provisions of this Act, by making any false or
4 fraudulent representation or declaration, verbally or in writing, or by any
5 fraudulent means, shall be liable to pay any damages sustained in consequence
6 of any such filing, to be recovered by or on behalf of the party injured there-
7 by in any court having jurisdiction and shall be punished by a fine not less than
8 \$100.00 not exceeding \$500.00 or by imprisonment not exceeding twelve months
9 or both.

Sec. 8. Every such association or union adopting or using a label as afore-
2 said, may proceed by suit to enjoin the authorized use, display and sale of such
3 label and the manufacture, use and sale of any counterfeits or imitations there-
4 of, and all courts of competent jurisdiction shall grant injunctions to restrain

5 such manufacture, use, display or sale, and may award the complainant in any
6 such suit damages resulting from such manufacture, use, sale or display as
7 may be by the said court deemed just and reasonable, and shall require the de-
8 fendants to pay such association or union, all profits derived from such wrong-
9 ful manufacture, use, display or sale; and such court shall also order that
10 all such labels, counterfeits or imitations in the possession or under the control
11 of any defendant in such cause be delivered to an officer of the court, or to the
12 complainant, to be destroyed.

Sec. 9. In all cases where such association or union is not incorporated,
2 civil suits under this Act may be commenced and prosecuted by an officer or
3 member of such association or union on behalf of and for the use of such asso-
4 ciation or union.

Sec. 10. Every person who shall use or display the genuine label of any
2 such association or union in any manner, not being authorized so to do by such
3 union or association, shall be deemed guilty of a misdemeanor and shall be
4 punished by imprisonment for not more than twelve months or by a fine of not
5 more than five hundred dollars (\$500.00), or both.

Sec. 11. Any person or persons who shall in any way use the name or
2 seal of any such association or union or officer thereof in and about the sale
3 of goods or otherwise, not being authorized to so use the same, shall be guilty
4 of a misdemeanor and shall be punishable by imprisonment for not more than
5 twelve months, or by a fine of not more than five hundred dollars, or both.

Sec. 12. When complaint in writing, verified by affidavit, is made to any
2 court or officer having authority to issue search warrants, showing that the
3 party complaining has reason to believe, and stating that he does believe, that
4 counterfeits or imitations of any label recorded under the provisions of this
5 Act, or tools, cuts, plates, machinery or materials prepared or provided for

6 the making of such counterfeits or imitations are concealed in any house or
7 place (particularly describing the same), such court or officers shall, if satis-
8 fied that there is reasonable cause for such belief, issue a warrant to search
9 such house or place for the articles described in the complaint.

Sec. 13. Such warrants issued under this Act shall be directed to and
2 served and returned by the same officers and in the same manner as search
3 warrants in other cases. The proceedings and practice after return shall con-
4 form as near as may be to the practice and proceedings in regard to search
5 warrants in other cases, and property properly seized by virtue of such war-
6 rants shall be burned or otherwise destroyed under the direction of the court
7 or officer issuing such warrants.

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- 1 Introduced by Mr. E. J. Murphy, March 10, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act defining and relating to the inspection, regulation and licensing of hotels, inns and public lodging houses ; prescribing rules and regulations for their operation, so as to insure the safety, health and comfort of their guests through fire protection and sanitary measures; providing for the appointment of inspectors of hotels, prescribing their duties and qualifications and fixing their compensation; providing for the creation, raising and expenditure of a "hotel inspection fund," and prescribing penalties and fixing punishment for the violation of the provisions thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

- 2 *in the General Assembly:* That every building or structure kept, used or main-
- 3 tained as, or advertised as, or held out to the public to be an inn, hotel or
- 4 public lodging house or place where sleeping accommodations are furnished
- 5 for hire to guests, whether with or without meals, shall, for the purpose of this

6 Act, be defined to be a hotel; and wherever the word hotel shall occur in this
7 Act it shall be construed to mean every such structure as is described in this
8 section.

Sec. 2. Every hotel that is more than three stories high shall be provided
2 with a hall on each floor extending from one outside wall to the other, and at
3 each end of such hall shall be equipped with an iron fire escape on the out-
4 side of the building, connecting on each floor, above the first, with at least one
5 opening, which fire escape shall be well fastened and secured, with the land-
6 ings not less than six feet in length and three in width, guarded by an iron
7 railing not less than thirty inches in height. Such landings shall be con-
8 nected by iron stairs not less than two feet wide and with steps of not less than
9 six inches tread, placed at an angle of not more than forty-five degrees and
10 protected by a well secured hand rail on both sides and reaching to within
11 twelve feet of the ground, with a drop ladder twelve inches wide, reaching
12 from the lower platform to the ground. Such fire escapes shall be sufficient, if
13 a perpendicular iron ladder shall be used instead of the stairs, provided such
14 iron ladder is placed at the extreme outside of the platform and at least three
15 feet away from the wall of the building, and provided said ladder is equipped
16 with round iron rounds not more than fifteen inches apart.

17 The exit to such fire escape shall at all times be kept free and clear of all
18 obstruction of any and every nature. Storm windows and storm doors shall
19 be considered obstructions for the purpose of this Act, and such way of egress
20 shall at all times be kept unlocked. There shall be posted and maintained in
21 a conspicuous place in each hall and in each guest's room, except the halls
22 and rooms on the ground floor of such hotel, a printed notice in characters not
23 less than two inches high, calling attention to and directing the way to such
24 fire escape.

Sec. 3. Each and every hotel shall be provided with at least one efficient
2 chemical fire extinguisher for every twenty-five hundred square feet or less of
3 floor area, which such extinguisher or extinguishers shall be placed in a con-
4 venient location in a public hallway outside of the sleeping rooms and shall
5 always be in condition for use; or, in lieu thereof, such hotel shall be equipped
6 with a one and one-fourth inch stand pipe, with hose connections on each floor,
7 and hose of sufficient length always attached in such hallway to reach all parts
8 of such floor, which standpipe shall be supplied with water under a pressure
9 of at least forty pounds per square inch.

Sec. 4. Every hotel shall provide in every bedroom or sleeping apart-
2 ment above the first floor a manila rope at least five-eighths of an inch in diam-
3 eter and of sufficient length to reach the ground, with knots or loops not more
4 than fifteen inches apart, and of sufficient strength to sustain a weight and
5 strain of at least five hundred pounds. Such rope shall be securely fastened to
6 the joists or studding of the building, as near the window as practicable, and
7 shall be kept coiled in plain sight at all times; nor shall such rope be covered
8 by curtains or other obstructions. Every hotel shall provide and maintain in
9 a conspicuous place in every bedroom or sleeping apartment above the ground
10 floor a printed notice calling attention to such rope and giving direction for
11 its use.

Sec. 5. Every hotel located in any town or city having a sewer system
2 shall be well drained, connected and plumbed according to established sani-
3 tary principles; which such sewer and all hotels shall be kept clean and in a
4 sanitary condition and free from effluvia arising from any sewer, drain, privy
5 or other source within the control of the owner, manager, agent or other per-
6 son in charge, and shall be provided with water closets or privies properly
7 screened for the separate use of males and females, which water closets and

8 privies shall be disinfected as often as may be necessary to keep them at all
9 times in a sanitary condition.

Sec. 6. For the purpose of carrying into effect the provisions of this Act
2 the Governor shall appoint an inspector of hotels, who shall hold office until the
3 first Monday in the month of March in the odd numbered year next after his
4 appointment and until his successor qualifies; but the Governor may remove
5 such inspector and appoint another in his place whenever he shall deem it nec-
6 essary for the public good. Such inspector shall receive as his compensation
7 the sum of \$1,500 per year and all necessary expenses incurred in the dis-
8 charge of his duties, payable at the same time and in the same manner as other
9 State officers.

10 The salary and expense of said inspector and his deputies shall be paid
11 out of a fund created for that purpose by the payment of licenses hereinafter
12 provided: *Provided*, that the total salary and expenses of said inspector and
13 his deputy shall not in any one year exceed the amount received from such
14 licenses for that year. Said inspector shall give a bond to the State of Illinois
15 in the penal sum of \$1,000, conditioned for the faithful performance of his
16 official duties, to be approved by the Secretary of State.

Sec. 7. Every firm, person or corporation operating a hotel, as defined
2 in this Act, shall, on or before the first day of March of each and every year,
3 make application to the State Treasurer for a license to carry on said busi-
4 ness. Such application shall state the name of the person proposing to run
5 such business, and the location of the building in which said business is to
6 be conducted, giving the street, lot and block number, and shall pay to the State
7 Treasurer a license fee as follows: For five rooms or less, \$2 per annum; for
8 five to ten rooms, \$4 per annum; ten rooms to twenty rooms, \$6 per annum;
9 twenty rooms to forty rooms, \$10 per annum; forty rooms to eighty rooms,
10 \$15 per annum; eighty rooms to one hundred rooms, \$20 per annum; over one

11 hundred rooms, \$25 per annum. On receipt of such application and fee the
12 State Treasurer shall issue to the applicant a receipt therefor, which shall
13 contain the name of the applicant and the description of the property in which
14 the business is to be conducted, and such applicant shall keep such certificate
15 posted in some conspicuous place in the building in which he conducts said
16 business.

Sec. 8. Such inspector may with the consent of the Governor appoint and
2 at pleasure remove such deputies as he may deem necessary, who shall as-
3 sist under his direction in performing the duties imposed by this Act. They
4 shall each give bond to the State of Illinois in the sum of \$1,000, with like con-
5 ditions of that of the inspector, to be approved of by the Secretary of State.
6 They shall receive such compensation not exceeding \$100 per month and actual
7 expenses incurred in performing the duties of their office, as the inspector may
8 provide.

Sec. 9. It shall be the duty of the inspector and his deputies to see that
2 all of the provisions of this Act are complied with; and said inspector, or the
3 deputy, shall personally inspect, once in each year, every hotel as defined in
4 this Act.

5 Said inspector and his deputies are hereby granted police power to enter
6 any hotel at reasonable hours to determine whether the provisions of this Act
7 are being complied with. The inspector shall purchase and keep a complete
8 set of books and furnish all necessary blanks for public use and inspection,
9 showing the conditions of each hotel so inspected, together with the name or
10 names of the owners, proprietors and managers thereof, and showing its sani-
11 tary conditions, the number and condition of its fire escapes and any other
12 information for the betterment of the public service.

Sec. 10. If the inspector shall find, after examination of any hotel, that
2 this law has been fully complied with, and the license fee has been paid to the
3 State Treasurer, he shall issue a certificate to that effect to the person oper-
4 ating the same, and said certificate shall be kept posted in a conspicuous place
5 in said inspected building.

Sec. 11. Any inspector or deputy who shall wilfully certify falsely re-
2 garding any building inspected by him, or who shall knowingly issue a cer-
3 tificate to any person operating any hotel when such person has not complied
4 with the provisions of this Act, shall, on conviction thereof, be fined not less
5 than fifty dollars nor to exceed five hundred dollars, and may be imprisoned
6 not to exceed one year in the State prison, or both, at the discretion of the
7 court, and shall be forever disqualified to hold said office.

Sec. 12. It shall be the duty of the inspector, upon ascertaining by in-
2 spection or otherwise that, after thirty days from the date this Act takes
3 effect, any hotel is being operated contrary to the provisions of this Act, to
4 make complaint and cause the arrest of the person so violating the same; and
5 it shall be the duty of the State's attorney in such case to prepare all neces-
6 sary papers and conduct such prosecutions.

Sec. 13. All moneys collected for licenses provided for in this Act shall
2 be kept by the State Treasurer in a separate fund, to be known and desig-
3 nated as "hotel inspection fund."

Sec. 14. At the end of each year the inspector shall file with the State
2 Auditor a verified report of the doing of his office.

Sec. 15. Every owner, manager, agent or person in charge of a hotel who
2 shall fail to comply with any of the provisions of this Act, or who shall ob-
3 struct or hinder the inspector or his deputies in the discharge of their duties,

4 shall be deemed guilty of a misdemeanor, and upon conviction thereof be
5 punished by a fine of not less than ten dollars (\$10) nor more than one hun-
6 dred dollars (\$100), or imprisonment in the county jail for not less than ten days
7 nor more than ninety days, or both such fine and imprisonment; and every
8 day after sufficient notice has been given that such hotel is carried on in viola-
9 tion of this Act shall constitute a separate offense.

Sec. 16. All Acts and parts of Acts incónsistent herewith are hereby
2 repealed.

- 1 Introduced by Mr. Myers, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Cor-
porations.

A BILL

For an Act to mend section 86 of an Act entitled, "An Act concerning local improve-
ments," approved June 14, 1897, in force July 1, 1897; as amended by an Act en-
titled, "An Act to amend an Act entitled, 'An Act concerning local improve-
ments,' approved May 9, 1901, in force May 9, 1901."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 86 of an Act concerning local improve-
3 ments, approved June 14, 1897, in force July 1, 1897; as amended May 9, 1901,
4 in force May 9, 1901, be amended so as to read as follows:

5 Sec. 86. For the purpose of anticipating the collection of the second and
6 succeeding installments provided for in this Act, it shall be lawful for such city,
7 village or town to issue bonds, payable out of said installments, bearing in-

8 terest at the rate of six per centum per annum, payable annually and signed
9 by such officers as may be by ordinance prescribed; said bonds shall be issued
10 in sums of one hundred dollars, or some multiple thereof, and shall be dated
11 and draw interest from the date of the issuing of the same. Each bond shall
12 state on its face out of which installment it is payable, and shall state, by num-
13 ber or other designation, the assessment to which such installment belongs. The
14 principal of such bonds shall not exceed, in the aggregate, the amount of such
15 deferred installments, and shall be divided into as many series as there are
16 deferred installments: *Provided*, nothing herein contained shall be construed
17 to prevent the payment of any voucher or bond out of an installment having
18 a surplus to its credit. other than the one against which the same is issued; the
19 intent and meaning thereof being that in case from any cause the installment
20 against which such bond or voucher is drawn has not sufficient money to the
21 credit thereof to pay the same, the entire amount of the assessment or any
22 installment thereof may be applied toward the payment of any such vouchers
23 or bonds issued against the assessment. Each series shall become due at some
24 time in the year in which the corresponding installment will mature, such date
25 to conform, as nearly as may be, to the time when such installment will be ac-
26 tually collected, such time to be estimated and determined by the municipal
27 officers issuing such bonds: *Provided, also*, that it shall be lawful to provide
28 in the case of any one or more of the bonds in any series, that such bond or
29 bonds shall not become due until some subsequent date, not later than the
30 thirty-first day of December next succeeding the January in which the install-
31 ment against which such series is issued shall become due and payable. Such
32 bonds may be in the following form:

33 STATE OF ILLINOIS, }
34 County of..... } ss.
35
36 \$..... Series No.....
37of..... Bond No.....

38 IMPROVEMENT BOND.

39 “Theof.....in.....County, Illinois, for
40 value received, promises to pay to the bearer on the.....day of
41A. D.,.....the sum of.....dollars, with
42 interest thereon from date hereof at the rate of six per centum, payable an-
43 nually on presentation of the coupons hereto annexed.

44 “Both principal and interest of this bond are payable at the office of the
45 treasurer of said.....of

46 “This bond is issued to anticipate the collection of a part of the.....
47 installment of special assessment No....., levied for the purpose
48 of....., which said installment bears interest from the.....
49 day of.....A. D.,, and this bond and the interest thereon are
50 payable solely out of said installments when collected.

51 “Dated this.....day of....., A. D.,”

52 Which said bond may have coupons attached to represent the interest to
53 accrue thereon.

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- 1 Introduced by Mr. Pervier, March 10, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

To regulate the public service of stallions in Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Every person, firm or company standing or offering
3 any stallion for public service in this State shall cause the name, description,
4 and pedigree of such stallion to be enrolled by a stallion registration board
5 hereinafter provided for and secure a license from said board as provided in
6 section 3 of this Act. All enrollment and verification of pedigree shall be
7 done in the office of the secretary of the Illinois State Board of Agriculture. All
8 license certificates for stallions issued under this Act shall thereupon be pre-
9 sented to and recorded by the register of the deeds of the county or counties
10 in which said stallion is used for public service.

Sec. 2. In order to carry out the provisions of this Act, there shall be con-
2 stituted a stallion registration board, whose duty it shall be to verify and reg-

3 ister pedigrees; to pass upon certificates of veterinary examination; to pro-
 4 vide, when necessary, for veterinary inspection; to issue stallion license cer-
 5 tificates; to make all necessary rules and regulations; and to perform such
 6 other duties as may be necessary to carry out and enforce the provisions of
 7 this Act. Said board shall hold meetings at the office of the secretary of the
 8 Illinois State Board of Agriculture, the first Tuesday and subsequent days of
 9 February, May, August and November of each year and such other meetings
 10 as may be necessary.

11 The stallion registration board shall be composed of five members consist-
 12 ing of the secretary of the Illinois State Board of Agriculture, who shall be, *ex*
 13 *officio*, secretary and executive officer of this board; the State veterinarian, who
 14 is a member of the State Board of Live Stock Commissioners; the president and
 15 the secretary of the Illinois Horse Breeders' Association, who shall not be one
 16 and the same person; and the president of the Illinois Farmers' Institute.

Sec. 3. In order to obtain the license certificate herein provided for, the
 2 owner of each stallion shall forward an affidavit signed by a veterinarian who
 3 shall be a graduate of a recognized veterinary college, to the effect that he has
 4 personally examined such stallion and that to the best of his knowledge and
 5 belief said stallion is free from hereditary, infectious, contagious, or trans-
 6 missable disease or unsoundness. The owner of said stallion shall also furnish
 7 to the stallion registration board the stud book certificate of registry of the
 8 pedigree of the said stallion when said stallion is registered and all other nec-
 9 essary papers relative to his breeding and ownership. Upon verification of
 10 pedigree and certificate of breeding (in case of pure bred stallions) and receipt
 11 of veterinarian's affidavit as provided for in this Act, a license certificate shall
 12 be issued to the owner.

Sec. 4. The presence of any one of the following named diseases shall dis-
 2 qualify a stallion for public service and the inspecting veterinarian is hereby

3 duly authorized to refuse to give an affidavit of soundness to the owner of such
4 stallions affected with any one or more of the diseases herein specified in a
5 transmissible or hereditary form, and the inspecting veterinarian shall so re-
6 port the same to the secretary of the stallion registration board:

7 Periodic ophthalmia (moon blindness); bone spavin; ringbone; side bone;
8 bog spavin; curb when accompanied with curby formation of hock; glanders;
9 farcy; maladie du coit; urethral gleet; mange; melanosis; or any contagious
10 or infectious disease.

 Sec. 5. The stallion registration board shall make and keep records of all
2 stallions enrolled in the State of Illinois, said stallions to be enrolled as "pure
3 bred," "cross bred," or "grade," according as the facts may have been de-
4 termined. Upon making the enrollment of said stallion the stallion registration
5 board shall issue the above said license.

6 The stallion registration board is authorized in cases of emergency to
7 grant temporary license certificates without veterinary examinations, upon re-
8 ceipt of an affidavit of the owner to the effect that to the best of his knowledge
9 and belief said horse is free from infectious, contagious or transmissible dis-
10 ease or unsoundness. Temporary license certificate shall be valid only until
11 veterinary examination can reasonably be made.

 Sec. 6. The owner of any stallion used for public service in this State
2 shall post and keep affixed, during the entire breeding season, copies of the
3 license certificate of such stallion, issued under the provisions of this Act, in a
4 conspicuous place both within and upon the outside of the main door leading
5 to every stable or building where the said stallion is used for public service.

6 Each bill and poster issued by the owner of any stallion enrolled under
7 this Act, or used by him or his agent for advertising such stallion, shall con-
8 tain a copy of the stallion's certificate of enrollment printed in bold face type,
9 not smaller than small pica; and it shall be illegal to print upon the poster any

10 untruthful or misleading reference to the breeding of the stallion, his sire or
 11 his dam, or to use upon such bill or poster the portrait of a stallion in a mis-
 12 leading way; and each newspaper advertisement printed to advertise any stal-
 13 lion for public service shall show the enrollment certificate number and state
 14 whether it reads "pure bred," "grade," or "cross bred."

Sec. 7. The license certificate issued for a stallion whose sire and dam are
 2 of pure breeding and the pedigree of which is registered in a stud book recog-
 3 nized by the United States Department of Agriculture, Washington, D. C., an
 4 Act regulating the importation of breeding animals, approved March 3, 1903,
 5 shall be in the following form:

6 ILLINOIS STALLION REGISTRATION BOARD.

7 Certificate of Pure-Bred Stallion No.....

8 The pedigree of the stallion (name)
 9 Owned byBred by.....
 10 Described as follows:
 11 Color(Breed)
 12 Foaled in the year....., has been duly examined, and it is hereby certi-
 13 fied that the said stallion is registered as number in
 14 stud book, said stud book being recognized and certified to by the secretary of
 15 the Department of Agriculture, Washington, D. D. The above named stallion
 16 has been examined by.....veterinarian, and is reported as free
 17 from infectuous, contagious, or transmissible disease or unsoundness, and is
 18 licensed to stand for public service in the State of Illinois.

19 This license expires on.....19....

20 (Signed).....

21 Secretary Illinois State Board of Agriculture
 22 and Stallion Registration Board.

23 Date19....

24 The license certificate issued for a grade stallion whose sire or dam is
 25 not pure-bred shall be in the following form:

26 ILLINOIS STALLION REGISTRATION BOARD.

27 Certificate of Grade Stallion No.....

28 The pedigree of the stallion (name)

29 Owned by(Bred by)

30 Described as follows:

31 (Color)Foaled in the year.....

32 has been duly examined, and it is hereby certified that the said stallion is not
33 of pure breeding and is, therefore, not eligible for registration in any stud book
34 recognized and certified to by the secretary of the Department of Agriculture,
35 Washington, D. C. The above named stallion has been examined by.....
36veterinarian, and is reported as free from infectious, con-
37 tagious, or transmissible disease or unsoundness, and is licensed to stand for
38 public service in the State of Illinois.

39 This license expires on19....

40 (Signed).....

41 Secretary Illinois State Board of Agriculture
42 and Stallion Registration Board.

43 Date19....

44 The license certificate issued for a stallion whose sire and dam are pure-
45 bred, but not of the same breed, shall be in the following form:

46 ILLINOIS STALLION REGISTRATION BOARD.

47 Certificate of Cross-Bred Stallion No.....

48 The pedigree of the stallion (name)

49 Owned by.....(Bred by)

50 Described as follows:

51 (Color).....

52 Foaled in the year....., has been duly examined, and it is found
53 that his sire is registered in the.....stud book as number.....
54 and his dam in the.....studbook as number..... volume.....
55 and page.....

56 Such being the case, the said stallion is not eligible for registration in any
57 stud book recognized and certified to by the secretary of the Department of
58 Agriculture, Washington, D. C. The above named stallion has been examined

59 by.....veterinarian, and is reported as free from infectious, con-
 60 tagious, or transmissible disease or unsoundness, and is licensed to stand for
 61 public service in the State of Illinois.

62 This license expires on.....19....

63 (Signed).....

64 Secretary Illinois State Board of Agriculture
 65 and Stallion Registration Board.

66 Date19....

Sec. 8. FEES.] A fee of \$2.00 shall be paid to the secretary of the Illinois
 2 Stallion Registration Board for the examination and enrolment of each stal-
 3 lion pedigree and for issuance of a license certificate in accordance with the
 4 breeding of the stallion as above provided, which shall be good for a period of
 5 one year, and to carry out the provisions of this Act. The fee shall be paid
 6 to the secretary of the Illinois Stallion Registration Board at the time the ap-
 7 plication is made for enrolment.

8 Upon a transfer of the ownership of any stallion enrolled under the pro-
 9 visions of this Act, the certificate of enrolment may be transferred to the
 10 transferee by the secretary of the Illinois Stallion Registration Board upon
 11 submittal of satisfactory proof of such transfer of ownership and upon pay-
 12 ment of a fee of fifty cents. A fee of \$1.00 shall be paid annually for the re-
 13 newal of a license certificate.

Sec. 9. All stallions offered for public service shall be examined every three
 2 years until ten years of age. Every stallion passing inspection is exempt
 3 from further inspection for three years unless, from later developments, it be-
 4 comes known, and a complaint is filed, certified to by three men, that said
 5 stallion has some hereditatry, contagious or transmissible disease or unsound-
 6 ness which was not evident at the time of previous inspection. In case a com-
 7 plaint is made that a stallion is unsound and a request for inspection is asked
 8 for, such complaint shall be filed with the secretary of the Illinois Stallion Reg-
 9 istration Board, who shall have another examination made. In case the said

10 stallion shall be found to have some hereditary, contagious or transmissible un-
11 soundness or disease it shall be so reported and the secretary of the Illinois
12 Stallion Registration Board, who shall revoke the license in force. After the
13 first examination all stallions ten years of age or over shall be exempt from
14 further examination.

Sec. 10. Violation of any of the provisions of this Act shall be punished
2 by a fine of not less than twenty-five dollars (\$25.00) and not exceeding one
3 hundred dollars (\$100.00) for each offense.

Sec. 11. The funds accruing from the above named fees shall be used by
2 the stallion registration board to defray the expenses of enrolment of pedi-
3 grees and issuance of licenses; to provide for the examination of stallions
4 when necessary; to publish reports or bulletins containing lists of stallions ex-
5 amined which shall be not less than every two years; to encourage the horse
6 breeding interests of this State; to disseminate information pertaining to
7 horse breeding, and for any other such purposes as may be necessary to carry
8 out the purposes and enforce the provisions of this Act. Each member of the
9 above committee, excepting the secretary, shall receive five dollars (\$5.00) per
10 day for each day actually employed under the provisions of this Act, together
11 with his traveling expenses; the secretary shall receive for his services an
12 amount agreed upon by the board.

13 It shall be the duty of the above said stallion registration board to make
14 an annual report, including financial statement, to the Governor of the State,
15 and to enforce the law. All financial records of said board shall be subject to
16 inspection at any time by the public examiner.

Sec 12. This Act shall take effect and be in force on and after January 1,
2 1910.

AMENDMENTS TO

46th Assem.

HOUSE—No. 271

April 1909

AMENDMENT NO. 1.

Amend House Bill No. 271, section 3, line 2, by inserting the word "licensed" before the word "veterinarian."

AMENDMENT NO. 2.

Amend section 3, lines 2 and 3 by striking out the words "who shall be a graduate of a recognized veterinary college."

AMENDMENT NO. 3.

Amend House Bill No. 271, section 4, line 7, by striking out the words "side bone" and in lines 8 and 9 the words "glanders, farcy, maladieducoit, urethral gleet, mange, and melanosis."

AMENDMENT NO. 4.

Amend section 6 by striking out lines 6 to 14 inclusive and substitute the following: "Each bill and poster and each newspaper advertisement shall show the enrollment certificate number and state whether it reads 'pure bred, grade or cross bred.' "

AMENDMENT NO. 5.

Amend House Bill No. 271 by striking out all of section 9 and substituting the following: "Every stallion passing inspection shall be exempt from further inspection unless from later developments it becomes known, and a complaint is filed,

certified to by three men, one of whom shall be a licensed veterinarian, that said stallion has some hereditary, contagious or infectious disease which was not evident at the time of previous inspection. When such complaint is made and a request for inspection is asked for, such complaint shall be filed with the secretary of the Illinois Stallion Registration Board, who shall have another examination made. If such complaint is verified it shall be so reported to the secretary, who shall revoke the license in force."

- 1 Introduced by Mr. Pierson, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend sections one and two of an Act entitled, "An Act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments," in force July 1, 1895, of which section 1 was amended by Act approved May 12, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one and two of an Act entitled, "An
3 Act to enable cities, towns and villages organized under any general or special
4 law to levy and collect a tax or license fee from foreign insurance companies
5 for the benefit of organized fire departments," in force July 1, 1895, of which
6 section 1 is amended by Act approved May 12, 1905, in force July 1, 1905, be
7 and the same is hereby amended to read as follows:

8 Sec. 1. All corporations, companies and associations not incorporated
 9 under the laws of this State, and which are engaged in any city, town or vil-
 10 lage organized under any general or special law of this State, in effecting fire
 11 insurance, shall pay to the treasurer of the city, town or village for the main-
 12 tenance, use and benefit of the fire department thereof, a sum not exceeding
 13 two per cent of the gross receipts received by their agency in such city, town
 14 or village; and any city, town or village of less than fifty thousand inhabit-
 15 ants, having an organized fire department, shall cause to be passed an ordi-
 16 nance providing for the election of officers of such organized fire departmen ,
 17 by the department, which shall include a treasurer, and make all such rules
 18 and regulations in respect thereof and the management of said fund as may be
 19 needful; that in all such cities, towns or villages the treasurer shall pay the
 20 total amount of such sum received from insurance companies to the treasurer
 21 of the fire department of the city, town or village in which it is collected. The
 22 treasurer of such fire department shall give a sufficient bond to the city, town
 23 or village in which such fire department is organized, to be approved by the
 24 president of the village, or mayor, as the case may be, conditioned for the
 25 faithful performance of his duties under the ordinances passed as aforesaid
 26 by said city, town or village; and the treasurer of the fire department shall
 27 receive the money so collected and shall pay out the same upon the order of
 28 the said fire department for the purposes of the maintenance, use and benefit
 29 of such department: "Provided, that in any city, town or village where
 30 a fireman's pension fund is or may be established under other laws of this State
 31 fifty per cent of the amount so collected shall be set apart and appropriated by
 32 the city," town or village to the fund for the pensioning of disabled and super-
 33 annuated members of the fire department, and of the widows and orphans of de-
 34 ceased members of the fire department of cities, towns and villages having an
 35 organized fire department. Cities, towns and villages are hereby empowered
 36 to prescribe by ordinance the amount of tax or license fee to be fixed, not in

37 excess of the above rate, and at that rate such corporations, companies and
38 associations shall pay upon the amount of all premiums which, during the year
39 ending on every first day of July, shall have been received for any insurance
40 effected or agreed to be effected in the city, town or village, by or with such
41 corporation, companies or association respectively. Every person who shall
42 act in any city, town or village as agent or otherwise, for or on behalf of such
43 corporation, company or association, shall, on or before the fifteenth day of July,
44 of each and every year, render to the city, town or village clerk a full, true and
45 just account, verified by his oath of all the premiums which, during the year
46 ending on every first day of July preceding such report, shall have been re-
47 ceived by him, or any other person for him, in behalf of any such corporation,
48 company or association, and shall specify in said report the amounts received
49 for fire insurance. Such agents shall also pay to the treasurer of any such city,
50 town or village, at the time of rendering the aforesaid report, the amount of
51 rates fixed by the ordinance of the said cities, towns or villages, for which the
52 companies, corporations or associations represented by them are severally
53 chargeable by virtue of this Act, and the ordinance passed in pursuance there-
54 of. If such account be not rendered on or before the day herein designated for
55 that purpose, or if the said rates shall remain unpaid after that day, it shall be
56 unlawful for any corporation, company or association so in default to transact
57 any business or insurance in any such city, town or village until the said
58 requisition shall have been fully complied with; but this provision shall not
59 relieve any company, corporation or association from the payment of any risk
60 that may be taken in violation hereof.

61 Sec. 2. Any person or persons violating any of the provisions of this Act
62 shall be subject to indictment, and upon conviction thereof in any court of com-
63 petent jurisdiction, shall be fined in any sum not exceeding one thousand dol-
64 lars or imprisonment in the county jail not exceeding six months, either or both

65 in the discretion of the court. The amount of said tax or license fee may be
66 also recovered of said corporation, company or association or its agent, by an
67 action in the name and for the use of any such city, town or village as for
68 money had and received: *Provided*, that this Act shall only apply to such cities,
69 towns and villages as have *established and maintained by and under municipal*
70 *ordinances, a fire department for the prevention of fires.*

- 1 Introduced by Mr. Sollitt, March 10. 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend section 4 of an Act entitled, "An Act to provide for scholarships in the University of Illinois," approved May 12, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 4 of an Act entitled, "An Act to pro-
3 vide for scholarships in the University of Illinois," approved May 12, 1905, in
4 force July 1, 1905, be amended to read as follows:

5 Sec. 4. In addition to the scholarships provided for in section one, each
6 member of the General Assembly is authorized to nominate and appoint, an-
7 nually, one person of school age and otherwise eligible who shall, by virtue of
8 this appointment, receive a certificate of scholarship in the university. Each
9 member of the General Assembly shall file with the president of the university
10 on or before the first Saturday in August, the name and address of the student

11 nominated by him to receive such scholarship. The candidate for such scholar-
12 ship shall present himself for examination before a committee of the faculty of
13 the university appointed for that purpose and at a time designated by the presi-
14 dent of the university; who shall also prescribe rules and regulations govern-
15 ing such examination: *Provided*, that if such student shall be a graduate of an
16 accredited high school of the State he shall be eligible to admission without ex-
17 amination.

18 *Provided, further*, that in case the person named fails to pass the required
19 examination, then the president of said university shall at once notify the mem-
20 ber making the appointment, who may name another person for such scholar-
21 ship: *Provided, further*, that if the member of the General Assembly shall so
22 elect, the scholarship under his control may be awarded by competitive examin-
23 ation conducted under like rules as prescribed in section two of this Act.

- 1 Introduced by Mr. Werdell, March 10, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent the manufacture, use and sale of cigarettes in the State of
Illinois, and punishment for same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be a misdemeanor for any person to
3 manufacture, sell or give away any cigarette containing any substance deleter-
4 ious to health, including tobacco, and shall be punished by a fine not exceeding
5 one hundred dollars (\$100) or by imprisonment in the county jail for a period
6 not to exceed thirty (30) days for the first offense and for the second and every
7 additional offense a fine of two hundred dollars (\$200) or imprisonment in the
8 county jail for a period not exceeding three months.

-
- 1 Introduced by Mr. Link, March 10, 1909.
 - 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to amend section 1 of article XV of an Act entitled, "An Act to revise the law in relation to township organization," approved and in force March 4, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article XV of an Act entitled, "An Act to revise the law in relation to township organization," be and the same is hereby amended to read as follows:

Sec. 1. The following town officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town in the duties of their respective offices:

1. The town clerk and supervisor shall receive for their services four and one-half dollars per day when attending to town business out of town and

10 two dollars and fifty cents for town business in their town: *Provided*, that
 11 the supervisors, when attending to their duties as overseers of the poor, shall
 12 be regarded as town officers, and their compensation for services as such over-
 13 seers of the poor shall be fixed by the town board of auditors and be paid out
 14 of the town fund and a tax levy be made to cover same at the annual town
 15 meeting. The compensation of the overseer of the poor to be fixed at the an-
 16 nual meeting in March each year: *And, provided, further*, that the town clerk
 17 shall receive fees, and not a per diem, for the following services

18 For serving notices of election upon town officers, as required by law,
 19 twenty-five cents each.

20 For filing any paper required by law to be filed in his office, ten cents each.

21 For posting up notices required by law, twenty-five cents each.

22 For recording any order or instrument of writing authorized by law,
 23 eight cents for each one hundred words.

24 For copying any record in his office, and certifying to the same, eight
 25 cents for every one hundred words, to be paid by the person applying for the
 26 same.

27 For copying by-laws for posting or publication, eight cents for each one
 28 hundred words, to be paid by the town.

29 The town assessor shall receive for his services same per diem as before.

30 2. The pound master shall be allowed the following fees for his services,
 31 to-wit:

32 For taking into the pound and discharging therefrom horses, asses, mules
 33 and meat cattle, ten cents each; sheep or lambs, three cents each; and swine,
 34 large or small, five cents each.

35 He may also be allowed to receive his reasonable charges for the keeping
 36 of such animals. The amount which he shall charge therefor may be regulated
 37 by the town meeting.

38 3. The officers composing the board of appointment, in case of vacancy,
39 when they shall meet for that purpose, and the officers composing the board
40 of town auditors, shall each be entitled to one dollar and fifty cents a day for
41 their services.

42 4. No justice of the peace or town officer shall be entitled to any fee
43 or compensation from any individual elected or appointed to a town office for
44 administering to him the oath of office.

AMENDMENTS TO

46th Assem.

HOUSE—No. 275

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 275, in lines 8 and 9 by striking out the words "four and one-half dollars" and inserting in lieu thereof the words "three dollars."

AMENDMENT NO. 2.

Amend line 10 by inserting after the word "town," "this additional pay per diem to include the supervisors and assistant supervisors who are residents of the county seat while the board of supervisors are in regular session or engaged in regular committee work."

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- 1 Introduced by Mr. Adkins, March 11, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the Illinois Live Stock Breeders' Association.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be, and hereby is, appropriated to the
3 Illinois Live Stock Breeders' Association the following sums, to-wit: For print-
4 ing and distributing reports, programs, postage, stationery, expenses of
5 speakers, etc., the sum of five hundred dollars (\$500) per annum for the years
6 1909 and 1910.

Sec. 2. No officer or officers of the Illinois Live Stock Breeders' Associa-
2 tion shall be entitled to receive any money compensation whatever for any
3 service rendered for same.

Sec. 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Live Stock Breeders' Association for the sum herein appropriated.

Sec. 4. It shall be the duty of the treasurer of the Illinois Live Stock Breeders' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by said organization, on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

- 1 Introduced by Mr. Burgett, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act entitled, An Act to establish, maintain and regulate a system of uniform public school text books in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the State Board of Education shall consti-
3 tute a board of commissioners for the purpose of making a selection, or pro-
4 curing the compilation for use in the common schools of the State of Illinois,
5 a series of text books in the following branches of study, namely: Spelling,
6 reading, arithmetic, geography, English grammar, physiology, history of the
7 United States, and a graded series of writing books. The matter contained
8 in the readers shall consist of lessons commencing with the simplest expres-
9 sion of the language, and by a regular gradation advancing to and including
10 the highest style of composition, both in poetry and prose: *Provided*, that
11 none of said text books shall contain anything of a partisan or sectarian char-

12 acter: *And, provided, further,* that the foregoing books shall be at least equal
 13 in size and quality as to matter, material, style of binding and mechanical
 14 execution to the following text books now in general use, namely: The
 15 speller to McGuffey's spelling book, the reader to Appleton's readers, the arith-
 16 metic to Ray's new arithmetic series, the geographies to the Eclectic series of
 17 geographies, the grammar to Harvey's grammar, the physiology to Dalton's
 18 physiology, the history of the United States to Thalheimer's History of the
 19 United States, and the writing books equal to the Eclectic copy-books.

Sec. 2. The said board of commissioners shall, immediately upon the
 2 taking effect of this Act, advertise for twenty-one consecutive days in two
 3 daily papers published in this State having the largest circulation, and in one
 4 newspaper of general circulation in the cities of New York, Philadelphia, Cin-
 5 cinnati, Chicago and St. Louis, that at a time and place to be fixed by said
 6 notice, and not later than six months after the first publication thereof, said
 7 board will receive sealed proposals on the following:

8 *First*—From publishers of school text books, for furnishing books to the
 9 Board of Education of the State of Illinois, for use in the common schools
 10 of this State, as provided in this Act, for a term of five years; stating specifi-
 11 cally in such bid the price at which each book will be furnished, and accom-
 12 panying such bid with specimen copies of each and all books proposed to be
 13 furnished in such bid.

14 *Second*—From authors of school text books, who have manuscripts of
 15 books not published, for prices at which they will sell their manuscript, to-
 16 gether with the copyright of such books, for use in the public schools of the
 17 State of Illinois.

18 *Third*—From persons who are willing to undertake the compilation of a
 19 book or books, or a series of books, as provided for in section one (1) of this
 20 Act, the prices at which they are willing to undertake such compilation of any

21 or all such books, to the acceptance and satisfaction of the said board of com-
 22 missioners: *Provided*, that any and all bids by publishers, herein provided
 23 for, must be accompanied by a bond in the penal sum of fifty thousand
 24 (\$50,000.00) dollars, with resident freehold surety, to the acceptance and satis-
 25 faction of the Governor of this State, conditioned that if any contract be
 26 awarded to any bidder hereunder, such bidder will enter into a contract to per-
 27 form the conditions of his bid to the acceptance and satisfaction of said board:
 28 *And, provided, further*, that no bid shall be considered unless the same be
 29 accompanied by the affidavit of the bidder that he is in no wise directly or
 30 indirectly connected with any other publisher or firm who is now bidding for
 31 books submitted to such board, nor has any pecuniary interest in any other
 32 publisher or firm bidding at the same time, and that he is not a party to
 33 any compact, syndicate or other scheme whereby the benefits of competition
 34 are denied to the people of this State: *And, be it further provided*, that if
 35 any competent author or authors shall compile any one or more books of the
 36 first order of excellence and shall offer the same as a free gift to the people
 37 of this State, together with the copyright of the same and the right to manu-
 38 facture and sell such works in the State of Illinois for use in the public schools,
 39 it shall be the duty of such board of commissioners to pay no money for any
 40 manuscript or copyright for such book or books on the subject treated of
 41 in the manuscript so donated; and such board shall have the right to reject
 42 any and all bids, and at their option such board shall have the right to re-
 43 ject any bid as to part of such books, and to accept the same as to the resi-
 44 due thereof.

Sec. 3. It shall be the duty of such board to meet at the time and place
 2 mentioned in such notice and open and examine all sealed proposals received,
 3 pursuant provided for in section two of this Act; and it shall be the further
 4 duty of such board to make a full, complete and thorough investigation of all

5 such bids or proposals, and to ascertain under which of said proposals or
 6 propositions the school books could be furnished to the people of this State
 7 for use in the common schools at the lowest price, taking into consideration
 8 the size and quality, as to matter, material, style of binding and mechanical
 9 execution of such books: *Provided, always,* that such board shall not in any
 10 case contract with any author, publisher or publishers for the furnishing of
 11 any book, manuscript, copyright or books, which shall be sold to patrons for
 12 use in the public schools of this State, at a price above or in excess of the
 13 following, which prices shall include all cost and charges for the transporta-
 14 tion and delivery to the several county superintendents in this State, namely:
 15 For a spelling book, 10 cents; for a first reader, ten (10) cents; for a sec-
 16 ond reader, fifteen (15) cents; for a third reader, twenty-five (25) cents;
 17 for a fourth reader, thirty (30) cents; for a fifth reader, forty (40) cents; for
 18 an arithmetic, intermediate, thirty-five (35) cents; for an arithmetic, complete,
 19 forty-five (45) cents; for a geography, elementary, thirty (30) cents; for a
 20 geography, complete, seventy-five (75) cents; for an English grammar, ele-
 21 mentary, twenty-five (25) cents; for an English grammar, complete, forty
 22 (40) cents; for a physiology, thirty-five (35) cents; for a history of the United
 23 States, fifty (50) cents; for copy books, each, five (5) cents.

Sec. 4. If, upon the examination of such proposals, it shall be the opin-
 2 ion of such board of commissioners that such books can be furnished cheaper
 3 to the patrons for use in the common schools of the State by procuring and
 4 causing to be published the manuscript of any or all of such books, it shall be
 5 their duty to procure such manuscript and to advertise for sealed proposals
 6 for publishing the same, in like manner, as hereinbefore provided, and under
 7 the same conditions and restrictions. And such contract may be let for the
 8 publication of all such books, or for any one or more of such books, separately,
 9 and it shall be the further duty of such board of commissioners to provide

10 in the contract for the publication of any such manuscript for the payment,
11 by the publisher, of the compensation agreed upon between such board and
12 the author or owner of any such manuscript, together with the cost or expense
13 of copyrighting the same.

Sec. 5. It shall be a part of the terms and conditions of every contract
2 made in pursuance of this Act that the State of Illinois shall not be liable to
3 any contractor hereunder for any sum whatever; but that all such contract-
4 ors shall receive their pay and compensation solely and exclusively from the
5 proceeds of the sale of the books, as provided for in this Act

Sec. 6. As soon as such board shall have entered into any contract for
2 the furnishing of books for use in the public schools of this State, pursuant to
3 the provisions of this Act, it shall be the duty of the Governor to issue his
4 proclamation announcing such fact to the people of this State.

Sec. 7. When such proclamation shall have been duly issued, it shall be
2 the duty of the board of education, or board of directors, as the case may be,
3 of each and every school district in this State, within thirty (30) days there-
4 after, and at such other times as books may be needed for use in the public
5 schools of their respective districts, to certify to the county superintendent
6 of their respective counties, to the number of school text books provided for
7 in such contract required by the children for use in the schools of their sev-
8 eral school districts. Such county superintendent shall forthwith make, such
9 requisition for books, as the schools in said several counties may require, upon
10 the State Superintendent of Public Instruction, and that said State Superin-
11 tendent of Public Instruction shall immediately thereafter make a requisition
12 for said books upon the contractor, who shall, within ninety days ship the
13 books so ordered directly to the county school superintendents of the several
14 counties of this State. Upon the receipt of such books it shall be the duty

15 of such county school superintendents to immediately notify all the school
16 directors of the school districts, as shown by the last school enumeration of
17 their counties, of the receipt of such books. It shall then be the duty of such
18 school directors to immediately procure and take charge and custody of all the
19 books assigned to their several school districts, receipting therefor to the said
20 county superintendent; and upon the receipt of such books by such school
21 directors, they shall furnish them on demand to the school patrons or school
22 children of their respective districts, at the price fixed therefor by the con-
23 tract entered into between said board of commissioners and said contractor;
24 and it shall be the duty of such school officers to sell books for cash only; and
25 if they shall sell or dispose of any books other than for the cash price there-
26 of, they shall be held personally liable, and liable upon their official bond for
27 the price of such book or books: *Provided*, that any patron or pupil of any
28 school or schools other than the public schools, and also any child between
29 the ages of six and twenty-one years of age, or the parent, guardian or
30 teacher of such child, shall have the right to purchase and receive the books,
31 and at the prices herein named, by payment of the cash price thereof to the
32 school superintendent of any county in this State; and it is hereby made his
33 duty to make requisition upon the contractor for any and all books so ordered
34 and paid for by any such person or persons: *And, provided, further*, that
35 nothing in this Act shall operate to prevent the State Board of Education,
36 boards of education or directors, or boards of school commissioners, for
37 devising means and making arrangements for the commissioners for the sale,
38 exchange or other disposition of such books as may be owned by the pupils
39 of schools under their charge, at the time of the adoption of books under the
40 provision of this Act.

Sec. 8. At the expiration of three months after the receipt of such
2 books by the county superintendent, and every three months thereafter, it shall

3 be the duty of each board of education receiving and chargeable with books
 4 under the provisions of this Act, to make a full and complete report to the
 5 county superintendent of the number of books sold and the amount of
 6 money received therefor, and the number of books on hand; and at the time
 7 of making such report he shall pay over to the county superintendent all
 8 moneys received by him or with which he is chargeable from the sales of books
 9 in his hands, which report shall be duly verified by the oath of the party
 10 making it.

Sec. 9. If, at the expiration of ten days from the time required by this
 2 Act for the making of such report of any school superintendent chargeable
 3 with books under this Act, any such officer shall have failed, neglected or re-
 4 fused to make such report or turn over any moneys with which he is charge-
 5 able, it shall be the duty of the county superintendent, within fifteen days, to
 6 enter suit upon his official bond for an accounting and recovery of any moneys
 7 due from him on account of such books with which he is chargeable; and all
 8 judgments recovered upon such bonds shall include a reasonable attorney fee
 9 for the attorney prosecuting such suit; and such judgment shall be without
 10 relief from valuation or appraisement laws and shall be without stay of
 11 execution.

Sec. 10. It shall be the duty of the several county school superintend-
 2 ents of this State, within thirty days from the issuing of the proclamation by
 3 the Governor, as heretofore provided for, and of every county school super-
 4 intendent hereafter elected, before he enters upon the discharge of his official
 5 duties, to enter into a special bond, with at least two freehold surties of such
 6 county, payable to the State of Illinois, conditioned that they will faithfully
 7 and honestly perform all the duties required of them by this Act and account
 8 for and pay over all moneys that may come into their hands, pursuant to
 9 the provisions of this Act, in a penal sum which should be equal in amount

10 to one hundred (\$100.00) dollars for every one thousand inhabitants of their
11 respective counties, as shown by the last census immediately preceding the
12 giving of such bond, to be approved by the board of commissioners of their
13 respective counties; and upon the failure of every county school superintend-
14 ent to give such bond, his office shall immediately become vacant; and
15 the board of commissioners of his county shall immediately appoint some com-
16 petent and suitable person to fill such vacancy for the unexpired term of his
17 office.

Sec. 11. It shall be the duty of each county school superintendent in
2 this State, within ten days after the quarterly reports of the board of direct-
3 ors, as hereinbefore provided for, to make a full, true, complete and detailed
4 report to the contractor of all books sold by the several boards of education
5 of his county, and of the number of books in the hands of the board of edu-
6 cation of each school district, which report shall be accompanied by all cash re-
7 ceived by him from the school officers from sales of books by them sold, and
8 which report shall be duly verified by him; and a duplicate thereof shall be
9 filed in the office of the auditor of his county. Upon the failure of any county
10 school superintendent to make report and to transmit the cash, as required by
11 this section, a right of action shall immediately accrue to the contractor
12 against the said school superintendent and the sureties upon the bond provided
13 for in this Act, for an accounting and for the recovery of any moneys received
14 and not transmitted by him, and for any damages which may have resulted
15 from his neglect or failure to comply with the provisions of this Act; and any
16 judgment upon any such bond shall include a reasonable fee for the attorney
17 prosecuting such suit, and such judgment shall be without relief from valua-
18 tion and appraisement laws and shall be without stay of execution.

Sec. 12. Any board of directors charged with the sale of any books un-
2 der the provisions of this Act, who shall, directly or indirectly, demand

3 or receive any money for any book or books in excess of the contract price, as
4 hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon
5 conviction thereof shall be fined in any sum not less than ten nor more than
6 one hundred dollars, to which may be added imprisonment in the county jail
7 for a term not exceeding sixty days.

Sec. 13. Any county school superintendent or board of education of any
2 township or school district in this State, who shall fraudulently fail or refuse,
3 at the expiration of the term for which he was elected or appointed, or at
4 any time during such term, when legally required by the proper person or
5 authority, to account for and deliver and pay over to such person or persons
6 as may be lawfully entitled, to receive the same, all moneys or school books
7 which may have come into his hands by virtue of the provisions of this Act,
8 shall be deemed guilty of embezzlement, and upon conviction thereof shall be
9 imprisoned in the State prison for any period, not more than five years nor
10 less than one year, and fined in any sum not exceeding one thousand dollars,
11 and rendered incapable of holding any office of trust or profit for any deter-
12 minate period.

Sec. 14. The sum of one thousand (\$1,000) dollars is hereby appropri-
2 ated out of any funds in the State treasury not otherwise appropriated, for
3 the purpose of paying the cost and expenses incident to the giving of the
4 notices herein provided for and carrying out the provisions of this Act. All
5 laws and parts of laws in conflict with the provisions of this Act are hereby
6 repealed.

Sec. 15. That it shall be the duty of the boards of education and board
2 of directors of the State severally, on the first Monday of June in each year, and
3 at such intermediate times as the necessity therefor shall exist, after consid-
4 ering the number and kind of adopted books already sold in the district, the

5 number and kind of such books on hand, and ascertaining from their teach-
 6 ers or principal and superintendent, as the case may be, the enrollment of
 7 scholars in the different classes or grades of the schools of the district, to
 8 order such quantities of the books which the State has at that time adopted,
 9 as may seem to him, or to it, to be necessary for use in the schools of such
 10 district, until the first day of June then next succeeding; the estimate being
 11 based upon the information which it is above provided shall be gathered, and
 12 on the advice of the county superintendent: *Provided*, that the total orders
 13 for any school year of the books adopted heretofore, and those mentioned in
 14 section 1 of this Act, shall not exceed the amount of one dollar for each child
 15 enumerated for school purposes in the district: *And, provided, further*, that
 16 it shall be the duty of the State Superintendent to properly scale down any
 17 order for books which may pass through his hands, in case that it shall seem
 18 clear to him that such order is for a quantity of books in excess of the needs
 19 of the district during the period for which such books were ordered.

Sec. 16. Whenever an order for the books which the State has adopted,
 2 or may adopt, shall have been filled by a contractor with the State, and the
 3 books delivered to the school board making such order, it shall be the duty
 4 of such board of education to immediately acknowledge the receipt of such
 5 books to the contractor, and also to make a report thereof to the county sup-
 6 erintendent; and it shall be lawful for any such school board to at once make
 7 payment for such books to the contractor, through the superintendent of the
 8 county, out of any school funds in excess of the needs of their respective town-
 9 ships or school districts for current expenses, or other special needs, in the
 10 hands or control of such board, aside from the principal or interest of the
 11 common congressional school fund of the "school revenue for tuition:" *Pro-*
 12 *vided, however*, that no debt shall ever be contracted, or warrant, or other evi-
 13 dence of indebtedness ever be issued by a board on account of a purchase of

14 books: *And, provided, further,* that whenever any books are paid for by any
 15 school board, such school board shall be liable personally and liable upon their
 16 official bonds, respectively, for the preservation, custody and safe keeping of
 17 all such books until the same are sold and accounted for, or otherwise disposed
 18 of according to law. Whenever a book, paid for as aforesaid, is sold by a
 19 school board, it shall be the duty of such school board, to turn the entire pro-
 20 ceeds of such sale into the fund, out of which payment was made to the con-
 21 tractor, to reimburse the fund for such advancement. In case a school board
 22 receiving books from a contractor with the State shall not pay for such books,
 23 as provided in this section, he, or it, shall make quarterly reports under oath
 24 of the sale of such books, accompanied by all cash received therefor, to the
 25 county superintendent, for transmission to the contractor, as now provided by
 26 law, until such books shall have been fully paid for. The provisions of this
 27 section shall apply to all orders heretofore filed: *Provided,* that if said board
 28 shall have on hands any books heretofore ordered, for which it may have no
 29 immediate use, the same shall, upon the order of the county superintendent, or
 30 the State Superintendent of Public Instruction, be returned to the contractor, or
 31 be shipped to such other point as the contractor may direct, the contractor to
 32 pay all freight charges on such shipment; and the county superintendent and
 33 such board shall, thereupon, have credit for such books so returned or shipped.

Sec. 17. It shall be the duty of each school board to furnish the necessary
 2 school books, so far as they have been or may be adopted by the State, to all
 3 such poor or indigent children as may desire to attend the common schools of
 4 its district, as is in its opinion would be otherwise unable to attend such
 5 schools: *Provided,* that no board of education in this State shall receive an
 6 amount exceeding five dollars as compensation for his services in any one year
 7 for duties performed in carrying out the provisions of this Act, or t he Act to
 8 which it is supplemental.

Sec. 18. When books are fully paid for out of the funds of a school district, as provided in section 3 of this Act, it shall not be necessary for the school board of such district to make quarterly reports of the sale of the adopted books, but instead thereof a report shall in all cases be made by it, upon oath the first Monday of August in each year to the county superintendent, and like report upon oath, shall at the same time be made to the board of commissioners of the county, which reports shall severally state the number and kind of books on hand at last report; the number and kind sold; the number then on hand; the disposition of the money received on such sales; the amount of money used from any school fund in payment for books received; and the condition of such funds. Such report shall also state the number and kind of books furnished, as provided in section four of this Act; for the price of which books so furnished the school board furnishing the same shall have credit.

Sec. 19. The sum of one thousand (\$1,000.00) dollars is hereby appropriated out of the general fund in the State treasury to enable the board of school commissioners, mentioned in section 15 of this Act, to advertise for bids as in said section provided.

Sec. 20. Any member of a school board, receiving or being in possession of any moneys which at the end of the next quarter shall be turned over to the county superintendent to pay a contractor for books sold which have not been paid for out of the funds of the district, who shall fail to report the sale of such books at the end of such next quarter, or who shall fail to pay therewith the full proceeds thereof to the county superintendent, or so much thereof as may be necessary to fully pay the contractor, shall be liable, after demand upon him, to a suit on his official bond, brought on the relation of the county superintendent, whose duty it shall be to bring the action for the amount due from him, and damages, if any, and any judgment which shall be rendered in favor of the plaintiff in the action shall contain a reasonable attorney's fee,

12 and shall be payable without relief from valuation or appraisement laws. The
13 same liability upon the bond shall accrue against a member of a school board
14 who shall refuse to pay over as in this Act required any moneys drawn from
15 the funds of this district on account of books purchased, or who shall fail to
16 apply all moneys for books sold that have been purchased by the district, to
17 the reimbursement of the proper fund. Any judgment rendered against a
18 school board, or member of a school board, because of the non-performance of
19 any duty, shall include a reasonable fee for the plaintiff's attorney.

Sec. 21. It shall be the duty of each county superintendent of this State,
2 within thirty days from the taking effect of this Act, and of each county school
3 superintendent hereafter elected, before he enters upon the discharge of his of-
4 ficial duties, to execute a special bond with at least two freehold sureties of his
5 county, payable to the State of Illinois, conditioned that he will faithfully and
6 honestly perform all the duties required of him by law, and account for and
7 pay over all moneys which may come into his hands pursuant to law, in a
8 penal sum which shall be equal to one hundred dollars for every thousand in-
9 habitants of his county, as shown by the last census immediately preceding the
10 giving of such bond, which bond shall be executed to the approval of the
11 board of commissioners of his county, and upon failure of any county school
12 superintendent to give such bond, his office shall become immediately vacant,
13 and the board of commissioners of his county shall immediately appoint some
14 competent and suitable person to fill such vacancy for the unexpired term of his
15 office.

Sec. 22. It shall be the duty of such county school superintendent within
2 ten days after the receipt of any report or money, from a school board, as
3 hereinbefore provided for, to make a full, true, complete and detailed report
4 thereof to the contractor, which report shall be accompanied by all cash re-
5 ceived by him from the school officers. The report above provided for shall

6 be duly sworn to by the county superintendent and a duplicate thereof shall be
 7 filed by him in the office of the auditor of his county. Upon the failure of any
 8 county school superintendent to make report to the contractor and transmit
 9 the cash as required by law, a right of action shall immediately accrue to the
 10 contractor against the said county school superintendent, and the sureties upon
 11 his bond provided for in this Act, for an accounting and for the recovery of
 12 any moneys received and not transmitted by him, and for any damages which
 13 may have resulted from his neglect or failure to comply with the provisions of
 14 this Act, and any judgment upon any such bond shall include a reasonable fee
 15 for the attorney prosecuting such suit, and such judgment shall be without re-
 16 lief from valuation or appraisement laws, and shall be without stay of execu-
 17 tion.

Sec. 23: Any county school superintendent or member of any school board
 2 in this State, who shall fraudulently fail or refuse, at the expiration of the
 3 term for which he was elected or appointed, or at any time during such term,
 4 when legally required by the proper person or authority to account for and
 5 deliver and pay over to such person or persons, all moneys or school books
 6 which may come into his hands by virtue of the provisions of law, shall be
 7 deemed guilty of embezzlement; and upon conviction thereof shall be impris-
 8 oned in the State prison not more than five nor less than one year, and fined in
 9 any sum not exceeding one thousand dollars, and rendered incapable of hold-
 10 ing any office of trust or profit for any determinate period.

Sec. 24. The books which have been, or may hereafter be, adopted by the
 2 State of Illinois for use in its common schools by virtue of this Act, or the
 3 Act mentioned in section 1 hereof, shall be uniformly used in all the common
 4 schools of the State; in teaching the branches of learning treated of in such
 5 books, and it shall be the duty of the proper school officers and authorities to
 6 use in such schools such books for teaching the subjects treated in them.

Sec. 25. It shall be the duty of any person or persons, firm or corporation,
2 who shall hereafter furnish and supply books under the provisions of this Act,
3 or under the provisions of the Act of the title whereof is set out in the first
4 section of this Act, to ship and notify the consignee of such shipment, and de-
5 liver the books ordered by the various county superintendents, at such rail-
6 way stations as may be most convenient for the various school boards in the
7 several counties to receive the same as may be directed by the said county
8 superintendent. And in preparing such books for such shipment, it shall be
9 the duty of every such contractor to wrap each several kind of books by them-
10 selves in packages of not to exceed five or ten books, according to their size,
11 each such package to be securely wrapped in good substantial paper of sufficient
12 weight to protect the books enclosed therein and to be closed at each end there-
13 of, and each package to have plainly and clearly marked or printed on the
14 outside thereof the kind and number of books contained therein, and as many
15 of such packages shall be enclosed in large packages or boxes as may be safe
16 and convenient for shipment. And upon the receipt of such books, it shall be
17 the duty of each school board to carefully care for and protect such books until
18 sold, and to preserve the same in the original packages in which they are
19 wrapped without opening until all copies of the same books heretofore received
20 by it have been sold, and thereafter not to open any such package until all copies
21 contained in packages previously opened have been sold: *Provided*, if upon the
22 opening of any such package, any school board shall discover that any of the
23 books therein contained have been damaged, or are defective at the time of their
24 receipt by it, so as to be unsalable, it shall not be required to offer the same for
25 sale, but in such event, it shall immediately notify the county superintendent
26 of such damaged or defective book or books, who shall immediately thereafter
27 give notice thereof to the contractor furnishing the same, and thereafter such
28 damaged or defective book or books shall be subject to the order of the con-
29 tractor.

Sec. 26. It shall be the duty of any person or persons, firm or corporation,
2 who may hereafter furnish and supply books under the provisions of this stat-
3 ute, or of the act of the title whereof is set out in the first section of this
4 Act, to print in large letters upon the outside of the first cover of each book
5 so furnished and supplied by him or them, the name of the adopted book,
6 and upon the outside of the back cover the price at which such book is fur-
7 nished to be sold to pupils under such contract, and it shall be the duty of all
8 county superintendents, and other school officers and school teachers, to see that
9 all books so furnished to pupils and bought by pupils for use in the schools of
10 the State of Illinois, shall bear such imprint: *Provided*, this section shall not
11 apply to copy-books.

Sec. 27. It shall be the duty of the Superintendent of Public Instruction to
2 cause to be printed, at the expense of the printing fund, and to send to each
3 of the county superintendents, as soon as possible, after the passage thereof, a
4 sufficient number of copies of this Act to provide such superintendent and each
5 member of the school board in such county with one copy of such Act. Each
6 county superintendent shall, at once, upon the receipt of the copies intended
7 for his county, mail, or otherwise deliver, to each member of a school board in
8 his county a copy of this Act.

Sec 28. When sale shall be made of any books by any school board to
2 merchant or dealer, pursuant to the provisions of section 1 of this Act, it shall
3 be the duty of such school board at the end of such calendar month, to make a
4 report thereof to the county school superintendent of the number and kind of
5 books sold, and the amount of money received therefor, and the number and
6 kind of books on hand; and at the time of making such report to pay over to
7 the county school superintendent all money received by him or them from any
8 such sale or sales; at the time of making such report such school board shall
9 also pay to such superintendent for transmission to contractor, the one-half of

the amount of the deduction in the price of the books so sold, which last amount shall be paid out of and charged to the special school fund of such school district; and for such amount the said school board shall take the receipt of such superintendent. And in their reports to and settlements thereafter made with the board of commissioners of their respective counties, the said school boards shall be entitled to full credit for the money so paid out of said fund when such superintendent's receipt is tendered and filed with such reports: *Provided*, that whenever any school board shall have sold all books ordered by them or in their hands for sale to merchants or dealers, as herein provided, they shall not be required to make quarterly reports, as now provided by law.

Sec. 29. It shall be the duty of the county school superintendents, and school boards, to see that at all times there are sufficient number of books on hand, either in the hands of such superintendents or school boards respectively, or in the hands of the dealers in the different neighborhoods of their respective school districts, to supply the patrons and pupils of the common schools with all needed books; and nothing in this Act shall be construed so as to relieve them from any of the duties now imposed by law in this respect.

Sec. 30. It shall be the duty of all merchants or dealers who may be supplied with books by virtue of the provisions of this Act to furnish the school board of whom such books may have been purchased and received with a detailed statement of the number of books of each kind on hand on the fifteenth day of May of each year, and at such other times during the year as the same may be called for by such school board; and any merchant or dealer who shall refuse for the period of five days after request to do so, by any school board entitled to receive the same, to furnish such statement as above provided, shall not be entitled thereafter to purchase or sell any school books under the provisions of this Act. And upon the receipt of any such report it shall be the

11 duty of such school board to forthwith transmit a copy thereof to the county
12 school superintendent, who shall, within ten days after the receipt of any such
13 report, transmit a copy thereof to the contractor, for which reports the contract-
14 or shall furnish the necessary blanks.

Sec. 31. It shall be the duty of each county school superintendent in
2 this State, within ten days after receiving any report or money on account of
3 the sale of any books, from any school board of his county, as hereinbefore
4 provided, to make a full, true and verified report to the contractor of the num-
5 ber and kinds of books so sold by the several boards of his county, and of the
6 number and kind of books on hands with the said school officers and himself,
7 which report shall be accompanied by all cash received by him from such
8 school boards on account of such sales; and he shall file a duplicate thereof
9 in the office of the auditor of his county. The necessary blanks for which re-
10 ports shall be furnished by the contractor.

Sec. 32. Upon failure of any school board or county school superintendent
2 to perform any duty or to make report of any cash received by them or him,
3 as required by the provisions of this Act, a right of action shall immediately
4 accrue to the contractor against the said officer so in default, and the sureties
5 upon his official bond, for an accounting and for the recovery of any money re-
6 ceived and not transmitted by him or them, and for any damage which may have
7 resulted from his or their neglect of failure to comply with the provisions of this
8 Act, and any judgment in favor of the contractor in any such action shall in-
9 clude a reasonable fee for the attorney prosecuting the suit, and such judg-
10 ment shall be collectable without relief from valuation and appraisement laws,
11 and shall be without stay of execution.

Sec. 33. Any county school superintendent, or member of any school board
2 of this State, who shall fraudulently fail or refuse, at the expiration of the term

3 for which he was elected or appointed, or at any time during such term, when
4 legally required by the proper person or authority, to account for and pay
5 over to such person or persons as may be lawfully entitled to receive the same,
6 all money or school books not previously accounted for, which may have come
7 into his hands by virtue of the provisions of this Act, shall be deemed guilty
8 of embezzlement, and upon conviction thereof, shall be imprisoned in the State
9 prison not more than five years nor less than one year, and fined in any sum
10 not exceeding one thousand (\$1,000.00) dollars, and rendered incapable of hold-
11 ing any office of trust or profit for any determinate period.

Sec 34. Any merchant or dealer who shall knowingly or wilfully charge,
2 receive, collect or attempt to charge, or collect, for any school book or books
3 by him sold to any school patron or pupil, any sum in excess of the price at
4 which such book or books are required to be sold by law, shall be deemed guilty
5 of misdemeanor, and upon conviction thereof shall be imprisoned in the county
6 jail not more than six months nor less than thirty days, and fined in any sum
7 not exceeding five hundred (\$500.00) dollars.

Sec. 36. Whenever the revision of any book, or series of books, shall be
2 determined upon by the State Board of School Book Commissioners, and they
3 shall have contracted with an author or authors to furnish the manuscript for
4 such revision, sufficient time shall be given to the author in which to perform the
5 work of revising the subject matter of such books to the acceptance and satis-
6 faction of such board, and when the revision of the subject matter of any such
7 book is completed by the author and the manuscript thereof is furnished to
8 the contractor, at least six month's time shall be given the contractor in which
9 to make the necessary illustrations, engravings, maps and plates, manufacture
10 and ship the books to the various school districts of the State before any such
11 contractor shall be required to furnish any such book or series of books, so re-
12 quired for use in the schools of the State under his contract. And no new

13 book or revised book, or series of books, shall be introduced for use in the
14 schools of the State, at any time, by virtue of the provisions of this Act, until
15 the State Board of School Book Commissioners shall have given notice to the
16 county superintendents and school boards of the State, by printed notice mailed
17 to each of said school officers last above named, at least twelve (12) months
18 in advance of the time when such book, or series of books, are to be used in the
19 public schools, and like notice shall be given by said county superintendents
20 and school boards, to all merchants and dealers in their respective school dis-
21 tricts, who may be selling the adopted books. And it shall be the duty of the
22 State Superintendent of Public Instruction and the county superintendents of
23 each county to scale down to the minimum number all requisitions for school
24 books which may be made after such notice is given, thereby enabling all
25 school boards and dealers to dispose of the stock of books in their hands, but
26 no dealer shall buy or carry on hand at any time more books than are actually
27 needed to supply the demands therefor, for the purpose or with the intent of
28 preventing the introduction of any new or revised book, according to the spirit
29 of this Act. And for the purpose of enabling the State Superintendent of
30 Public Instruction to determine when any requisition should be scaled down in
31 anticipation of the expiration of any existing contract, it shall be the duty
32 of the contractor to furnish to said State Superintendent a copy of the quar-
33 terly verified reports made by county superintendents to the contractor, giving
34 the number and kind of books on hand with the various dealers and school
35 boards of their respective counties; and at the expiration of such notice such
36 book or books shall only be required to be introduced in the schools as new
37 classes in the study of such branches are being formed, and all classes in such
38 study or studies, who at the time of the expiration of the term of such notice,
39 shall have purchased books for use in such classes, shall be allowed time to com-
40 plete such books before being compelled to buy new or revised books. And at
41 the expiration of any contract now in existence, or which may hereafter be

made by the State Board of School Book Commissioners for furnishing books for use in the common schools of the State of Illinois, the books then in use in the common schools of this State under such contract or contracts shall be continued in use therein at the same price and upon the same terms and conditions until such time or times as the State Board of School Book Commissioners shall determine that a revision thereof is necessary for the best interests of the schools when such revision shall be made, or a new book contracted for and introduced for use in the schools as hereinbefore specified: *Provided*, that at the expiration of any such contract, the State Board of School Book Commissioners shall require such contractor or contractors furnishing such books to execute a new bond, conditioned that they will continue to execute such contract in all regards as they have heretofore executed the original contract: *Provided, further*, that nothing herein contained shall be construed as restraining or preventing such State Board of School Book Commissioners, after any such revised book shall have been in use in the schools of the State for a period of five years, from proposing to the contractor furnishing the same, such reduction in the price at which such book or revised book shall be continued in use in the schools for the next ensuing five years, as, in the judgment of said board, may seem reasonable. If such contractor shall accede to such proposed reduction, then the price of such book or revised book shall, for the ensuing period of five years, be fixed at the original contract price thereof, less the amount of the reduction so agreed upon, and such price shall be printed on the back of said book, as now required by law. In event said contractor shall be not willing to accede to such terms, the said board may appoint a disinterested person, conversant with such matters, and require the said contractor to select another such person, and the two so chosen shall select a third, and, thereupon, the three so chosen shall inquire into and consider what, if any, reduction ought to be made in the price at which such book or revised book should be furnished for use in the schools of the State for the next ensuing period of five

71 years, and if they shall determine that any such reduction ought to be made,
 72 they shall fix the amount of such reduction, and shall certify to the said board
 73 and to such contractor their determination in that behalf, and, thereupon, if
 74 said contractor shall accede to the price thus arrived at, the price of said book
 75 for the next ensuing five years shall be fixed at that sum, and the same shall
 76 be printed on the back of such books, as now provided by law, and said con-
 77 tractor shall be required to furnish the same at such price; but, otherwise in
 78 all regards under the provisions of this Act and Acts to which it is supple-
 79 mental. But if such contractor shall decline to accede to such price thus ar-
 80 rived at, then such board shall have the right, in their discretion, to proceed to
 81 advertise for bids to furnish a book in the place thereof; and in so doing and
 82 in all subsequent steps therein, they shall proceed in accordance with the pro-
 83 visions of this Act and of the Acts to which it is supplemental: *And, provided,*
 84 *further,* that nothing in this Act contained shall be construed to prevent the
 85 State Board of School Book Commissioners from exercising their discretion in
 86 deciding whether they shall order any of the books already in use under con-
 87 tract to be revised, or whether, instead, they shall advertise for books to be
 88 adopted instead of said books already in use.

Sec. 37. If, in the opinion of the State Board of School Book Commission-
 2 ers, an intermediate grammar or language lessons is needed for the better teach-
 3 ing of such branch of study, instead of a revision of the series of grammars
 4 now in use, it shall then be lawful for such board to provide for such inter-
 5 mediate book, and for that purpose shall proceed, as now provided by law, to
 6 advertise for proposals to furnish such book, requiring bond in such sum as
 7 they deem sufficient to insure the compliance with such proposals, consider such
 8 proposals and contract for such books: *Provided, however,* that such inter-
 9 mediate grammar shall be equal in quality as to material, style of binding and
 10 mechanical execution to Long's Lessons in English, and in subject matter shall

11 not embrace less than 110 pages, and shall be adopted to follow in sequence to
12 that of the language lessons book of said series now in use, and to be prop-
13 erly introductory to the matter contained in the complete book of the series
14 as now adopted. And if revision of the grammar now in use should be de-
15 termined upon by the State Board of School Commissioners, then such modi-
16 fication shall be made of each or either of the books now constituting said
17 course in grammar as shall adapt them more perfectly to use in the same
18 series, and as shall cover more perfectly the entire subject matter necessary
19 to a complete education in this branch of learning. And said intermediate
20 grammar shall not be sold to patrons or pupils of the public schools of this
21 State at a price above or in excess of twenty (20) cents each.

Sec. 38. For the purpose of determining what book or books, if any, may
2 need revision, or whether an intermediate grammar is needed, the State Board
3 of School Book Commissioners shall meet the first Monday in April, 1910, and
4 shall then and there make such inquiry and examination of books then in use
5 under contract with the State as shall enable them to determine upon the pro-
6 priety of ordering any such revision or intermediate book or language lessons.
7 And such board shall, within sixty days thereafter, determine and give notice
8 to the contractors of any and all revisions that shall be required to be made
9 before the time of the expiration of the existing contract for any such book or
10 books.

Sec. 39. In no case shall any revision be required of any book or books
2 used in the common schools of this State oftener than once in every ten years,
3 except copy books, histories and geographies, and all contracts for furnishing
4 said books, except histories, copy books and geographies shall be for a period
5 of five years: *Provided*, that this Act shall not be construed to extend or
6 affect any existing contract: *And, provided, further*, that the State Board of
7 School Book Commissioners shall have the right by a vote of two-thirds of

8 its members, to cancel the contract for the use of any school book at the expira-
9 tion of five years, if satisfied that the use of said book would not be for the
10 best interests of the schools of the State.

Sec. 40. Whenever any book or series of books shall be revised by order
2 of the State Board of School Book Commissioners such book or books when com-
3 pleted and ready for use in the schools shall be equal in every respect to the
4 standard now fixed by law, as to subject matter, material, style of binding, and
5 mechanical execution. And said State Board, when contracting for any such re-
6 vision, shall require the contractor or contractors to enter into a written agree-
7 ment for the furnishing of such books and to execute bond with resident free-
8 hold sureties to the acceptance of the Governor of this State for the faithful
9 compliance with their contract, such bond to be in such amount as said board
10 shall deem sufficient for the purposes contemplated.

Sec. 41. The sum of one thousand (\$1,000.00) dollars is hereby appropri-
2 ated out of any funds in the State treasury not otherwise appropriated for the
3 purpose of paying costs and expenses incident to the giving of notices herein
4 provided for by said State Board of School Book Commissioners, and to pay
5 the expenses of the State Superintendent of Public Instruction incurred in the
6 distribution of this Act, and of the Acts to which this is supplemental, as here-
7 in required, and to carry out the provisions of this Act.

Sec. 42. If at any time the State Board of School Book Commissioners
2 shall find that the bond of any contractor, contracting to furnish books for use
3 in the common schools of the State of Illinois, under this Act, or the Acts to
4 which it is supplemental, has become insufficient to secure the faithful perform-
5 ance of such contract, or from any other reason become inoperative, they shall
6 have the right to require such contractor to execute a new and sufficient bond
7 to secure the faithful execution of such contract. And upon failure of any such
8 contractor to furnish such new bond within thirty days after being so required

9 by said board, the said board shall give notice thereof to the Attorney General
10 of the State of Illinois, who shall immediately upon receipt of such notice bring
11 suit to procure the cancellation of such contract of such contractor so refusing
12 And service of summons in such cause upon the agent of such contractor in
13 the State of Illinois shall be deemed and held to be sufficient service upon the
14 contractor; and in such case the attorney general shall receive a reasonable
15 fee for the prosecuting of such action.

Sec. 43. It shall be the duty of the State Superintendent of Public In-
2 struction, immediately upon the passage of this Act, to cause to be printed a
3 sufficient number of copies thereof, as well also of the Acts referred to in the
4 first section hereof, to furnish each county superintendent and member of
5 school boards in the State of Illinois with one copy thereof, and promptly to
6 distribute the same to such school officers through the county superintendents.

Sec. 44. The State Board of School Book Commissioners is hereby author-
2 ized to secure and adopt a school reading primer to be used in the public schools
3 of Illinois, and to precede the readers now authorized by law to be adopted by
4 said board.

Sec. 45. The contract price of said primer to pupils in the schools of the
2 State shall not exceed ten cents per copy.

Sec. 46. The use of any school reading primer adopted as herein provided
2 shall be optional with school boards in cities having a population exceeding five
3 thousand inhabitants.

Sec 47. On and after the taking effect of this Act, every contract made
2 by the State Board of Education as a State Board of School Book Commission-
3 ers for furnishing school books shall provide that the county superintendent of
4 schools in each county of the State shall appoint some dealer or merchant with-

5 in the county to act as a depository for the sale and distribution of school books
6 contracted for such Board of School Book Commissioners. And he shall con-
7 tract with said dealer or merchant to carry a sufficient supply of said adopted
8 books to supply the trade in the county; and to sell the same at contract price,
9 except to other dealers and merchants within the county, to whom he shall
10 sell the books for each at a discount of ten per cent from the contract price.
11 The depository merchant or dealer shall also contract with said county superin-
12 tendent to furnish to each publisher holding a contract with the State of Illi-
13 nois under this Act, satisfactory evidence of his financial responsibility or
14 furnish a surety bond covering the estimated amount of sales to be made by
15 him in any year, whereupon the said contractor or publisher shall sell to said
16 dealer all books ordered by him at a discount of fifteen per cent from the con-
17 tract price: *Provided*, that said school book depository shall pay cash to the
18 contractor or publisher for all books received within sixty days of the date of
19 shipment of such books: *Provided*, that the contractor shall pay all transpor-
20 tation charges to the nearest railroad or river station to said depository. It
21 shall be the duty of said depository annually in July to ascertain from the
22 county superintendent and local dealers the probable number of books that will
23 be needed to supply the schools for the ensuing year, and upon receipt of this
24 information he shall order said books on or before the first day of August
25 in each year; and upon the receipt of such books he shall immediately notify
26 the local dealers and merchants, desirous of handling such books.

Sec. 48. Upon the expiration of the last contract for school books, now
2 in force, the Governor shall make proclamation that it is no longer the duty
3 of school officers to deal in school books, a copy of which proclamation shall
4 be mailed by the State Superintendent throughout the State; and from and
5 after such proclamation it shall be unlawful for any school officer, or board of

6 directors, or superintendent to deal in school books in his official capacity, and
7 no part of the expense of dealing in such books shall be borne by any school
8 officer or district.

1 Introduced by Mr. Campbell, March 11, 1909.

2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to amend section 1 of an Act entitled, "An Act to restrict the power of counties, cities, towns and villages in licensing dram shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sales and gifts," approved June 15, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 1 of an Act entitled, "An Act to re-
3 strict the power of counties, cities, towns and villages in licensing dram shops,
4 to provide for granting a license to retail malt liquors separately, and for
5 punishing persons holding such separate license for unlawful sales and gifts,"
6 approved June 15, 1883, in force July 1, 1883, be and the same is hereby
7 amended to read as follows:

8 Sec. 1. That hereafter it shall not be lawful for the corporate authori-
9 ties of any city, town or village in this State, less than 150,000 inhabitants,

10 to grant a license for the keeping of dram shop, except upon the payment,
11 in advance, into the treasury of the city, town or village granting the license,
12 such sum as may be determined by the respective authorities of such city,
13 town or village: *Provided*, that in all cases when a license is granted, one-
14 fourth of such license shall be paid into the county treasury annually of the
15 county in which such city, town or village granting such license is situated,
16 said money to be placed to the credit of and for the use of such county.

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- 1 Introduced by Mr. Chipperfield, March 11, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act authorizing certain proof in mitigation of damages in actions for libel.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That at the trial of any action for libel in any court
3 of the State of Illinois the defendant may prove in mitigation of damages that
4 the plaintiff has already received, or agreed to receive, compensation in re-
5 spect of substantially the same libel as that for which such action was brought,
6 published at approximately the same time.

- 1 Introduced by Mr. Clark, by request, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend section four (4) article fourteen (14) of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section four (4) of article fourteen (14) of an
3 Act entitled “An Act to maintain and establish a system of free schools,” be
4 amended by inserting after the word annually in the third line the words
5 “And State’s attorneys at the expiration of their terms of office.”

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- 1 Introduced by Mr. Etherton, March 11, 1909.
2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 7 of "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding the same and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; and as amended by an Act approved May 21, 1877, in force July 1, 1877, to read as follows:

Sec. 7. The county courts shall have concurrent jurisdiction with the
2 circuit courts of all causes in law, excepting causes involving a franchise or
3 freehold, where the amount claimed, or the value of the property in contro-
4 versy shall not exceed \$2,000.00, concurrent jurisdiction in all cases of ap-
5 peals from justices of the peace and police magistrates: *Provided*, appeals

6 from the county judge, when sitting as justice of the peace shall be taken
7 to the circuit court as now; and in all criminal offenses and misdemeanors
8 where the punishment is not imprisonment in the penitentiary or death, all of
9 which shall be cognizable at the law terms hereinafter mentioned: *Provided,*
10 *also,* that suits now pending or rights or penalties accrued under said section
11 hereby amended shall not be affected by this Act.

1. Introduced by Mr. Flagg, March 11, 1909.
2. Read by title, ordered printed and referred to Committee on Horticulture.

A BILL

For an Act to amend sections 2, 3 and 5 of an Act entitled “An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named,” passed June 4, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2, 3 and 5 of an Act entitled “An Act to prevent the introduction and spread in Illinois of the San Jose scale and other dangerous insects and contagious diseases of fruits, and repealing a certain Act therein named,” passed June 4, 1907, in force July 1, 1907, be amended to read as follows:

Sec. 2. That all gardeners, horticulturists, nurserymen, superintendents of public parks, and other growers of or dealers in plants of any kind upon their own lands, upon leased lands or premises, or upon public parks or highways

10 shall free and keep freed all plants, shrubs, trees, vines, cuttings, scions, buds.
11 stocks or other plant parts grown, cultivated, or dealt in by them, from all in-
12 jurious insects and fungus pests, which are liable to spread from the plants or
13 premises infested to other plants on the public highways or upon lands belong-
14 ing to other owners, and all plants, shrubs, trees, or parts of such so infested
15 are hereby declared to be a nuisance to be abated as hereinafter prescribed;
16 and their maintenance, after notice as hereinafter set forth, is hereby declared
17 a misdemeanor punishable as provided in section 5 of this Act. If the State
18 Entomologist shall have reason to suppose that any nursery, orchard, fruit plan-
19 tation, or other property or place in this State, is infested by dangerous in-
20 sects or infected with contagious plant disease, he shall have power to inspect or
21 to cause to be inspected, from time to time, such nursery, orchard, fruit plan-
22 tation, or other property, and for the purposes of such inspection he and his
23 assistants are authorized, during reasonable business hours, to enter into or
24 upon any farm, orchard, nursery, garden, storehouse, or other building or place
25 used for the growing, storage, packing or sale of trees, plants or fruits; and if
26 the State Entomologist shall find, by inspection as aforesaid, that any person,
27 firm, or corporation is maintaining a nuisance as described in this section, he shall
28 notify in writing the owner or occupant of the premises containing the nuisance
29 so disclosed of the fact that such nuisance exists. He shall include in such notice
30 a statement of the conditions constituting such nuisance, an order that the same
31 be abated within a specified time, and a direction, written or printed, pointing
32 out the methods which should be taken to abate the same. Such notice or order
33 may be served personally, or by depositing the same in the post office, properly
34 stamped, addressed to the owner or occupant of the land or premises upon which
35 such nuisance exists, and the direction for treatment may consist of a printed
36 circular, bulletin, or report of the State Entomologist or of the Agricultural
37 Experiment Station, or an extract from the same. If the person so notified
38 shall refuse or fail to abate said nuisance in the manner and within the time

39 prescribed in said notice, the State Entomologist may cause such nuisance to be
40 abated, and he shall certify to the owner or person in charge of the premises
41 the cost of abatement, and if not paid to him within sixty days thereafter the
42 same may be recovered, together with the cost of action, before any court in
43 the State having competent jurisdiction. In case the notice and order served
44 as aforesaid shall direct that any growing plant, shrub, or tree, shall be de-
45 stroyed, and the owner or grower of such plant, shrub, or tree shall consider
46 himself aggrieved by such order, he shall have the privilege of appeal, within
47 three days of the receipt of the notice, to the county court of the county in
48 which said property is situated. The appeal shall be made in like manner as
49 appeals are taken to the county court from the judgments of justices of the
50 peace. Written notice of such appeal served by mail upon the State Entomolo-
51 gist shall operate to stay all proceedings until the decision of the county court,
52 who may, after investigating the matter, reverse, modify, or confirm the order
53 of the State Entomologist. Such decision shall then become the order of the
54 State Entomologist, who shall serve the same as hereinbefore set forth, and shall
55 fix a time within which such decision must be carried out. Any person, firm,
56 or corporation failing to obey an order of the State Entomologist, made and
57 served as prescribed in this section, within the period of time therein specified,
58 shall be deemed guilty of a misdemeanor and liable to punishment as pre-
59 scribed in section 5 of this Act.

60 Sec. 3. Whenever any trees, shrubs, plants or vines are shipped from place
61 to place in this State, or shipped into this State from another state, country or
62 province, every car, box, bale, bundle, package or piece thereof shall be plainly
63 labeled on the outside with the name of the consignor, the name of the con-
64 signee, and a certificate signed by a state or government inspector showing that
65 the contents have been inspected by such inspector, or by his authority since
66 the first day of July last preceding, and that the trees, vines, shrubs, and plants,
67 there present and therein contained, appear free from all dangerous insects

68 and diseases. Whenever any trees, shrubs, vines, or plants arrive in this State
69 without such certificate plainly fixed on the outside of the package, box or car
70 containing the same, the facts must be reported within twenty-four hours to the
71 State Entomologist by the railroad, express or steamboat company, or other per-
72 son or persons carrying the same, and it shall be unlawful to deliver any such
73 property until it has been inspected by the State Entomologist or his assistant and
74 by him certified to be free from dangerous insects or contagious diseases. Any
75 person receiving nursery stock brought into this State from outside this State,
76 and not accompanied by a valid certificate as above prescribed, shall at once
77 notify the State Entomologist of that fact, and shall not allow such uncertified
78 stock to leave his possession until it has been inspected and released by the
79 State Entomologist or his assistant. Any agent of any railroad, steamboat or
80 express company or any other person or persons carrying such property as afore-
81 said, or any consignee of such property, who shall fail to give notice to the State
82 Entomologist as above required shall be deemed guilty of a violation of this Act,
83 and subject to the penalties prescribed in section 5.

84 Sec. 5. Any person who shall violate the provisions of this Act with refer-
85 ence to the sale, shipment, delivery, receipt, or transportation of nursery stock,
86 or with reference to the use, alteration, or defacement of a certificate of in-
87 spection relating to the same, or who shall remove, without the written per-
88 mission of the State Entomologist, infested or infected property concerning
89 whose condition he has received official notice from the Entomologist, or who
90 shall maintain a nuisance as described in section 2 of this Act, after notice by
91 the State Entomologist and direction for its abatement, or who shall offer any
92 hindrance or resistance to the carrying out of this Act, shall be adjudged
93 guilty of a misdemeanor, and upon conviction before a justice of the peace shall
94 be fined not less than twenty-five dollars and not more than one hundred dol-
95 lars for each and every offense, together with all costs of the procedure, and
96 shall stand committed until the same is paid. It shall be the duty of the State

97 Entomologist to furnish to the State's attorney all information in his
98 possession concerning violations of this Act, and the State's attorney shall
99 prosecute such violations of this Act, and amounts so recovered shall be paid
100 into the treasury of the State.

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- 1 Introduced by Mr. Flannigen, March 11, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.
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A BILL

For an Act to amend an Act entitled, "An Act in relation to the punishment of criminals," approved June 23, 1883, in force July 1, 1883, by adding thereto a new section to be known as section one and one-half.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act in relation to the punishment of criminals," approved June 23, 1883, in force July 1, 1883, be and the same is hereby amended by adding thereto a new section, to be known as section one and one-half, to read as follows:

Sec. 1½. Every person who shall have been convicted in any of the United States, or in any district or territory thereof, or in a foreign country, of an offense which, if committed in this State, would be punishable by the laws of this State by imprisonment in the penitentiary, shall, upon con-

10 viction for any such subsequent offense within this State, be subject to the
11 punishment prescribed upon subsequent convictions, in the same manner and
12 to the same extent as if such first conviction had taken place in a court of this
13 State.

- 1 Introduced by Mr. Geshkewich, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act to amend section seven of an Act entitled "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, and in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section seven of an Act entitled "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, and in force July 1, 1899, be, and the same is hereby amended so as to read as follows:

6 Sec. 7. Any person shall be regarded as practicing medicine, within the
7 meaning of this Act, who shall treat, operate on, or prescribe for any ailment
8 or any physical injury to, or deformity of another, *or who shall examine or test*
9 *the eyes of another person, and prescribe the use of glasses therefor: Pro-*
10 *vided,* that nothing in this section shall be construed to apply to the administra-

11 tion of domestic or family remedies in cases of emergency, or to the laws regu-
12 lating the practice of dentistry or pharmacy. And this Act shall not apply to
13 surgeons of the United States army, navy or marine hospital service in the dis-
14 charge of their official duties, or to any person who ministers to or treats the
15 sick or suffering by mental or spiritual means, without the use of any drug or
16 material remedy.

- 1 Introduced by Mr. Morris, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Min-
ing.

A BILL

For an Act to amend an Act entitled "An Act to provide for the safety of persons employed in and about coal mines, and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and providing penalties for the violation of the same," approved June 1, 1908, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled "An Act to provide for the
3 safety of persons employed in and about coal mines, and to provide for the
4 examination of persons seeking employment as coal miners, and to prevent the
5 employment of incompetent persons as miners, and provide penalties for the
6 violation of the same," approved June 1, 1908, and in force July 1, 1908, be
7 and the same is hereby amended to read as follows:

8 Section 1. That hereafter no person whosoever shall be employed or en-
9 gaged as a miner in any coal mine in this State without having first obtained
10 a certificate of competency and qualification so to do from a "Miners' Exam-
11 ining Board" of some county of this State: *Provided*, that any miner actu-
12 ally employed in this State when this Act becomes effective, who has been em-
13 ployed as a miner at least two years in coal mines, shall be entitled to a cer-
14 tificate permitting him to work in the mines of this State as a practical miner:
15 *And, further provided*, that any such certificated miner may have one uncer-
16 tificated person working with him and under his direction for the purpose of
17 learning said business of mining and becoming qualified to obtain a certificate
18 in conformity with the provisions of this Act.

19 Sec. 2. In each county of this State where the business of coal mining is
20 carried on, there shall be created a board to be styled "The Miners' Examin-
21 ing Board," to consist of three practical, experienced and skilful miners of at
22 least five years' continuous experience, who are then actually engaged in min-
23 ing coal in the county for which they are appointed. Such appointments shall
24 be made by the county judges in their respective counties immediately after
25 this Act shall be in effect, and on or before the 10th day of January in each
26 year thereafter, and all vacancies in said board shall be at once filled by the
27 county judge of the county in which such vacancy occurs.

28 Each of said boards shall organize by electing one of the members presi-
29 dent, and one member secretary; and every member of said board shall, with-
30 in ten days after his appointment, take and subscribe an oath or affirmation
31 before a properly qualified officer of the county in which he resides, that he
32 will honestly and impartially discharge his official duties; each of said boards
33 shall provide itself with an impression seal, having engraved thereon the name
34 of said board and the county for which it is appointed.

Members of said board shall receive, as compensation for their services, three and fifty-one-hundredths dollars (\$3.50) per day for each day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, under the provisions of this Act, and no part of the salary of the members of said board, or the expenses thereof, shall be paid out of the State treasury except as hereinafter provided.

Sec. 3. Each of said examining boards shall designate some convenient meeting place in their respective counties, of which due notice shall be given by advertisement in two or more newspapers of the proper county. At such meeting a book of registration shall be open in which shall be registered the name and address of each and every person to whom said board shall issue a certificate of competency under this Act.

Sec. 4. Each applicant for examination for the certificate herein provided, shall pay a fee of one dollar, and the amount derived from this source shall be held by said boards respectively and applied to the expense and salaries herein provided, and such as may arise under the provisions of this Act. The said boards shall report in writing quarterly to the court appointing them, all moneys received and disbursed under the provisions of this Act, together with the number of miners examined under this Act and the number failing to pass the required examination.

All moneys over and above the amount required to pay the salaries of the members of said board in their respective counties, and their necessary actual expenses while in the performance of their duty as such board shall be paid to the State Treasurer on the second Wednesday of each and every month, and the same shall be paid out by said State Treasurer only upon warrants issued by the county judge of the county for which such board was appointed.

Said warrants shall show on their face that they are for the payment of

62 the salary and necessary actual expenses of the members of said board in such
63 county.

64 Sec. 5. It shall be the duty of said boards respectively to meet on the first
65 Wednesday of each month and to remain in session for a period of two days
66 and no longer, and said meeting shall be public. The said board shall examine
67 under oath all persons residing in the county in which said board resides who ap-
68 ply for certificates as provided in this Act, and said board shall grant such cer-
69 tificates of competency or qualifications to such applicants as are qualified, which
70 certificates shall entitle the holders thereof to be employed as, and to do the
71 work of miners in any county in this State, without other or further examin-
72 ation.

73 No certificate of competency shall issue or be given to any person under
74 this Act unless he shall produce evidence of having had not less than two years
75 of practical experience as a miner or with a miner, and in no case shall an ap-
76 plicant be deemed competent unless he appear in person before the said board
77 and orally answer intelligently and correctly at least twelve practical questions
78 propounded to him by the board pertaining to the requirements and qualifica-
79 tions of a practical miner. The said board shall keep an accurate record of the
80 proceedings of their meetings and in said record shall show a correct detailed
81 account of the examination of each applicant with questions asked and their
82 answers and at each of these meetings the board shall keep said record open for
83 public inspection. Any miner's certificate granted under the provisions of this
84 Act shall not be transferable and any transfer of the same shall be deemed a
85 violation of this Act. Such certificates shall be issued only at meetings of said
86 boards, and said certificates shall not be legal unless then and there signed by
87 at least two members of said board, and sealed with the seal of the board issuing
88 the certificates.

89 Sec. 6. That no person shall hereafter engage as a miner in any coal mine
90 without having obtained such certificate as aforesaid. And no person shall

91 employ any person as a miner who does not hold such certificate as aforesaid,
92 and no mine foreman or superintendent shall permit or suffer any person to be
93 employed under him, or in the mines under his charge and supervision as a
94 miner except as herein provided, who does not hold such certificate. Any per-
95 son or persons who shall violate or fail to comply with the provisions of this
96 Act shall be guilty of a misdemeanor, and on conviction thereof be sen-
97 tenced to pay a fine of not less than one hundred dollars and not more than five
98 hundred dollars, or shall undergo imprisonment in the county jail for a term
99 of not less than thirty days and not to exceed six months, or both, at the dis-
100 cretion of the court.

101 Sec. 7. It shall be the duty of the several miners' examining boards to in-
102 vestigate all complaints or charges of non-compliance or violation of the pro-
103 visions of this Act, and to prosecute all persons so offending; and it shall be the
104 duty of the prosecuting attorney of the county wherein the complaints or charges
105 are made to investigate the same and prosecute all persons so offending, and it
106 shall at all times be the duty of such attorney to prosecute such mem-
107 bers of the miners' examining board as have failed to perform their duty
108 under the provisions of this Act. Upon the conviction of any member of the
109 miners' examining board for any violation of this Act, in addition to the penal-
110 ties herein provided, his office shall be declared vacant, and he shall be deemed
111 ineligible to act as a member of the said board.

112 Sec. 8. For the purpose of this Act, the members of the said miners' examin-
113 ing board shall have the power to administer oaths.

114 Sec. 9. An Act entitled, "An Act in relation to the safety and competency
115 of coal miners, and to punish for infraction of same," approved June 7, 1897,
116 in force July 1, 1897, is hereby repealed.

- 1 Introduced by Mr. Pierson, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section 74 of an Act entitled “An Act concerning local improvements,” approved June 14, 1897, in force July 1, 1897, and all amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section seventy-four (74) of “An Act concern-
3 ing local improvements,” approved June 14, 1897, in force July 1, 1897, and all
4 amendments thereto, be amended so as to read as follows:

5 Sec. 74. All contracts for the making of any public improvement, to be
6 paid for wholly or in part by special assessment or special tax, and any work or
7 other public improvements, when the expense thereof shall exceed five hundred
8 dollars, shall be let to the lowest responsible bidder in the manner herein pre-
9 scribed, such contracts to be approved by the president of the board of local

10 improvements or such other official as is authorized by law to let such contract:
11 Provided, however, that the use of any article, material or process covered by
12 letters patent granted by the United States government may be provided for in
13 the ordinance for such local improvement whenever the owner or owners of
14 such patented article, material or process shall, before the passage of said ordinance,
15 agree in writing with the board of local improvements of the corporate
16 authorities of cities, villages and incorporated towns or with the other corporate
17 authorities having power to levy special assessments or special taxes for
18 local improvements, as the case may be, to allow the use of such patent rights
19 and to sell such patented article, material or process at a stated price to such
20 board of local improvements, or corporate authorities, or to any contractor to
21 whom the contract may be awarded for the making of such local improvement.

22 In case of any work in which it is estimated that the work will not cost
23 more than five hundred dollars, if, after receiving bids it shall appear to said
24 board of local improvements or to said corporate authorities that said work can
25 be performed better and cheaper by said cities, villages and incorporated towns
26 or other corporate authorities, said cities, villages or incorporated towns or
27 other corporate authorities shall perform said work and employ the necessary
28 help therefor, and the cost of said work by said cities, villages or incorporated
29 towns or the authorities thereof shall in no case be more than the lowest bid
30 received.

- 1 Introduced by Mr. Richter, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Warehouses.

A BILL

For an Act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuffs stored therein or in any cold storage warehouse.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or corpo-
3 ration to carry on, engage in or conduct, the business of storing perishable
4 food, or keep, maintain or operate a cold storage warehouse where meats, fish,
5 eggs, poultry, game, fruits, farm or garden produce, or other perishable food
6 stuffs, are stored within the limits of any incorporated city or village in this
7 State without having obtained a license for such business as hereinafter pro-
8 vided.

Sec. 2. Any person or corporation desiring to carry on, engage in or con-
2 duct the business of storing perishable food or to keep, maintain or operate a

3 cold storage warehouse where meats, fish, eggs, poultry, game, fruits, farm or
4 garden produce, or other perishable food stuffs are stored, shall make applica-
5 tion in writing to the mayor or president of the board of trustees for that pur-
6 pose, in which application shall be described the location at which said busi-
7 ness is proposed to be carried on. Such application shall be accompanied by
8 a report or certificate from the commissioner of health of any city or village
9 where such officer may exist, and in such cities or villages having no commis-
10 sioner of health or any officer performing the duties of such commissioner, then
11 such application shall be accompanied by a certificate or report from the State
12 Board of Health, stating whether the place in which such applicant proposes to
13 carry on such business is in a sanitary condition and is a fit place in which to
14 carry on such business. If such report shall be to the effect that such place is
15 a fit place and in a sanitary condition in which to carry on said business the
16 mayor or president of the board of trustees shall cause to be issued to such ap-
17 plicant a license period for which said license shall be issued upon payment by
18 such applicant to the proper authorities of any such incorporated city or village
19 of a license fee of five hundred dollars (\$500) annually, and the filing of a bond
20 running to the incorporated city or village as the case may be, with at least two
21 sureties to be approved by the mayor or president of the board of trustees in
22 the sum of ten thousand dollars (\$10,000), conditioned that such licensed person
23 or corporation shall faithfully observe and obey all the laws of the State of
24 Illinois and the ordinances of such incorporated city or village as the case may
25 be, now in force or which may hereafter be passed with reference to such busi-
26 ness.

Sec. 3. Whenever any meats, fish, eggs, poultry, game, farm or garden
2 produce or perishable food stuffs of any kind or character are placed in stor-
3 age at such cold storage warehouse, each package, box, bale, barrel, tub or
4 other receptacle in which such articles of food are packed shall be plainly

5 stamped with a stamp showing the date that such articles of food were placed
6 in said cold storage warehouse. Such stamp shall not be removed, defaced,
7 altered or destroyed at any time while said articles of food remain in said re-
8 ceptacle, nor shall said articles of food be removed or transferred from a
9 receptacle so stamped to another while the said articles of food remain in said
10 cold storage warehouse, nor shall the said articles of food be removed to an-
11 other cold storage warehouse except upon the written permission of the commis-
12 sioner of health of any city or village where such officers may exist, and in
13 such cities or villages having no commissioner of health or any officer perform-
14 ing the duties of such commissioner, then such permission shall be obtained
15 from the State Board of Health, or do anything which shall cause the stamp so
16 affixed to a receptacle containing such articles of food to indicate a different
17 date from the one on which the said articles of food were first placed in a
18 cold storage warehouse, shall be subject to the penalty hereinafter pro-
19 vided for.

Sec. 4. It shall be unlawful to place in such cold storage warehouse any
2 poultry or fowl of any kind in an undrawn condition or with the entrails left
3 therein.

Sec. 5. It shall be unlawful for any person, persons, firm or corporation
2 to sell, offer or expose for sale any meats, fish, eggs, poultry, game, fruits, farm
3 or garden produce or other perishable food stuff placed in cold storage or re-
4 moved or taken from any cold storage warehouse unless each package, box,
5 barrel, tub, or other receptacle in which the aforementioned articles of food are
6 contained and packed, and sold or offered or exposed for sale or from which
7 such package, box, barrel, tub, or other receptacle from which such aforemen-
8 tioned articles of food are sold, offered or exposed for sale, shall be plainly
9 stamped with the stamp of every such warehouse where such aforementioned
10 articles of food have been stored showing the date that such aforementioned
11 articles of food were placed in such cold storage warehouse.

Sec. 6. It shall be unlawful for any person, persons, firm or corporation to
2 have in its possession with the intention of selling, or offering or exposing for
3 sale any package, box, bale, barrel, tub, or other receptacle, in which any meats,
4 fish, eggs, poultry, game, fruits, farm or garden produce, or other perishable
5 food stuffs are packed or contained and which have been taken or removed from
6 any cold storage warehouse where the stamp showing the date such articles of
7 food were placed in any such cold storage warehouse has been removed, de-
8 faced, altered, or destroyed, or is not plainly legible.

Sec. 7. Whenever any meats, fish, eggs, poultry, game, fruits, farm or
2 garden produce or other perishable food stuffs have been retained for a period
3 of six months, notice shall be given within five days thereafter to the commis-
4 sioner of health of any such city or village where such officer may exist and in
5 such cities or villages having no commissioner, then to the State Board of
6 Health by the owner, manager, superintendent or person in charge of such cold
7 storage warehouse, and thereupon it shall be the duty of said commissioner of
8 health of any such city or village where such officer may exist and in such cities
9 or villages having no commissioner of health or any officer performing the du-
10 ties of such commissioner, it shall be the duty of the State Board of Health
11 to cause such food stuffs to be inspected, and after such inspection such food
12 stuffs may be sold with the consent of the owner of the same to the highest
13 bidder for immediate consumption, the proceeds of such sale to go to the owner
14 thereof; but if such owner refuses to allow such food stuffs to be sold in the
15 manner aforesaid, then it shall be within the discretion of the commissioner of
16 health or State Board of Health as the case may be, to condemn the same at
17 once or permit it to be retained in such cold storage warehouse for a limited
18 time to be fixed by him or it, at his or its discretion, at the end of which time it
19 shall be condemned as unfit for use.

Sec. 8. Every keeper of a cold storage warehouse shall allow the commis-
2 sioner of health or the State Board of Health, as the case may be, and all other
3 duly authorized employes of any such department of health or State Board of
4 Health to fully and freely inspect all such articles of food so stored, and shall
5 answer all reasonable and proper questions asked by such officers or employes
6 relating to the condition and age of such articles of food, and said articles of
7 food shall be subject to condemnation and destruction in like manner as all
8 other unwholesome or decayed food as provided for by the health ordinances
9 of any such officers of any such city or village or of the State Board of Health
10 in regard to such food so stored, shall be the same as their discretion in regard
11 to all other foods as provided for by the ordinances of any such city or village
12 relating thereto, or the laws of the State of Illinois likewise thereto relating.

Sec. 9. Any person, persons, firm or corporation violating any of the pro-
2 visions of this Act shall be deemed guilty of a misdemeanor and upon convic-
3 tion thereof shall be fined not less than two hundred dollars (\$200) nor more
4 than one thousand dollars (\$1,000) for each offense.

Sec. 10. All fines and penalties collected under the provisions of this Act
2 shall be paid into the State treasury.

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- 1 Introduced by Mr. Rigney, March 11, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 16 of an Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois exclusive of the county of Cook, approved May 24, 1879, in force July 1, 1879., approved June 11, 1897, in force July 1, 1897.”

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixteen of “An Act to amend an Act concerning circuit courts and to fix a time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook,” approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, be and the same is hereby amended to read as follows:

8 Sec. 16. In the county of JoDaviess, on the first Mondays of November and
9 February, and the fourth Monday in May; in the county of Stephenson, on the

10 first Mondays of September and December, and the first Monday of March
11 and June; in the county of Carroll on the first Monday of March, on the third
12 Monday in June, and the third Monday of November; in the county of Ogle on
13 the first Monday of October, on the first Monday of January and the fourth
14 Monday of April; in the county of Lee, on the first Monday of January, second
15 Monday of April and third Monday of September.

- 1 Introduced by Mr. Scanlan, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act amending section one (1) of an Act entitled, "An Act providing for licenses to agents to procure fire policies in unauthorized corporations, providing for a bond to be given by such agents, and for a tax upon receipts of premiums received for policies so issued within the State," approved May 14, 1903, in force July 1, 1903, and adding two sections thereto numbered two (2) and three (3) respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act providing for licenses to agents to procure fire policies in unauthorized corporations, providing for a bond to be given by such agents, and for a tax upon receipts of premiums received for policies so issued within the State," approved May 14, 1903, in force July 1, 1903, be and the same is hereby amended to read as follows:

8 “That the insurance superintendent, *upon the payment to him* of the
9 sum of two hundred dollars *per annum* in counties having more than
10 one hundred thousand inhabitants, and twenty-five dollars *per annum* in
11 counties having less than one hundred thousand inhabitants, may issue to
12 citizens of this State an *annual* license, revocable at any time, permitting the
13 *person or persons* named in such license to act as agent to procure policies of
14 fire insurance from corporations, *individuals*, partnerships and associations
15 which are not authorized to do business in this State.

16 Within ten days after any insurance shall be procured under or by virtue
17 of said license, *there shall be made and filed with the insurance superintendent*
18 *the affidavit of such licensed agent, setting forth the fact that such licensed*
19 *agent is not, after careful and diligent effort, able to procure the amount of*
20 insurance required to protect the property described in said affidavit, from
21 insurance corporations duly authorized and licensed to transact *business* in
22 this State; and such affidavit shall also state the amount of unauthorized in-
23 surance placed upon the property therein described.

24 *The insurance superintendent is hereby empowered to call upon any agent,*
25 *licensed under this Act, for such other information concerning business done*
26 *by virtue of this Act as he may deem proper, and failure to furnish such in-*
27 *formation by any such licensed agent shall be punishable as hereinafter pro-*
28 *vided.*

29 The agent procuring policies of such unauthorized corporations, persons,
30 partnerships and associations, shall keep a separate account thereof, open at
31 all times to the inspection of the insurance superintendent, *or any person*
32 *duly authorized by him*, showing first, the amount of such insurance placed for
33 *any person or corporation or upon any risk*; second, the gross premium charged
34 thereon; third, in what corporation or with what persons, partnerships or as-
35 sociations such insurance is placed; fourth, the date of the policy; fifth, the

term thereof, and sixth, the cities, towns and villages in which the insured property is located.

Such licensed agents shall not place insurance upon any property outside the county in which such agent resides, unless the owner or partial owner of said property resides in the same county with the agent. Every person receiving license under this Act shall, before transacting any business thereunder, execute and deliver to the insurance superintendent, a bond to the People of the State of Illinois, in the penal sum of two thousand dollars, with such sureties as the said superintendent shall approve, conditioned that the said agent will faithfully comply with all the requirements of this Act, and will pay to the insurance superintendent, for the use of the State, a sum equal to two (2) per cent upon the amount of the gross premiums received by him upon policies or any insurance contracts issued pursuant to this Act.

Such report of premiums shall be made and tax paid semi-annually at such times as the insurance superintendent may direct, and in default of the payment to said insurance superintendent of any sum to which he is entitled or which is required to be paid under this Act, he, the said insurance superintendent, may sue for the same, in any court of record in this State."

Sec. 2. No business of fire insurance shall be done in the State of Illinois by any corporations, individuals, partnerships or associations not authorized by the statutes of this State to do business therein, except as provided in this Act.

Sec. 3. Any person or persons violating any of the provisions of this Act shall be subject to a penalty of not less than one hundred dollars nor more than five hundred dollars, to be sued for and recovered in the name of the People of the State of Illinois, by the State's Attorney of the county in which such offense is committed; one half of said penalty when recovered shall be paid into the county treasury of said county, the other half to the informer of such violation.

65 Any violation of the provisions hereof may also be punished by imprison-
66 ment for not more than one year in the county jail, or by both fine and impris-
67 onment in the discretion of the court.

- 1 Introduced by Mr. Shanahan, by request, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to the State Milk Producers' Institute. An
Act to appropriate \$1,000 for the Milk Producers' Institute of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of \$500.00 per annum for the years of
3 1909 and 1910 is hereby appropriated out of any moneys in the State treasury
4 not otherwise appropriated, for the use and benefit of said association, and the
5 State Auditor is hereby authorized to draw his warrant for same and deliver
6 to the treasurer of the Illinois State Milk Producers' Institute upon his presenting
7 proper receipts therefor, certified by the president and secretary of said asso-
8 ciation, said amount to be used for the purpose of holding the annual convention
9 and institute of said association and for the purpose of educating and instructing
10 those interested in the economic and sanitary production of milk, and for such
11 other purposes as in the judgment of the officers shall best subserve the inter-
12 est of the Illinois State Milk Producers' Intsitute.

- 1 Introduced by Mr. G. H. Wilson, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act entitled, "An Act to amend section twenty-five (25) of an Act entitled, 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, and by an Act approved May 28, 1907, in force July 1, 1907."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section twenty-five (25) of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, and by an Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

Sec 25. For the purpose of increasing the State game protection fund and preventing unauthorized persons from killing game and birds, no person or

10 persons shall at any time hunt, pursue or kill, with gun, rabbits or any of the
11 wild animals, fowl or birds that are protected during any part of the year,
12 without first having procured a license so to do, and then only during the re-
13 spective periods of the year when it shall be lawful. Said license shall be pro-
14 cured from any county, city or village clerk in the following manner, to-wit:
15 The applicant shall fill out a blank application to be furnished by the State
16 Game Commissioner through the clerk of each county, city or village, stating
17 name, age, occupation and place of residence of applicant; said application
18 shall be subscribed and sworn to by the applicant before said county, city or
19 village clerk; and it is hereby expressly provided that if said county, city or
20 village clerk fails to administer the oath, as herein provided, or ante-dates any
21 license, he shall be subject to the fine herein provided for each and every of-
22 fense, the same to be recovered in any court of competent jurisdiction. And
23 said applicant, if a non-resident of the State of Illinois, shall pay to the county
24 clerk the sum of fifteen dollars as a license fee, together with the sum of fifty
25 cents, as the fee of said county clerk for administering the oath to the applicant
26 and issuing said license; and if a resident of the State of Illinois, shall pay
27 to the county, city or village clerk the sum of seventy-five cents as a license
28 fee together with the sum of twenty-five cents as the fee of said county, city
29 or village clerk for administering the oath to the applicant and issuing said li-
30 cense: *Provided, that any citizen of any state bordering on the State of Illinois,*
31 *who makes affidavit that he or she has been an actual bona fide resident of such*
32 *State for a period of six months, may secure a non-resident hunter's license upon*
33 *payment to the county clerk of the fees hereby charged to a resident of this State*
34 *for the oath and license: Provided, further, however, that the laws of such border*
35 *state then authorize a non-resident hunter's license to be granted to citizens of the*
36 *State of Illinois, upon the payment of the same fees charged to the citizens of such*
37 *border state.* Said license shall bear the signature of the state game commission-
38 er and the seal of the county, city or village in which the same is issued, and be

39 countersigned by the said clerk. And such licensee, if a non-resident, is hereby
40 authorized to take from the State fifty birds of all kinds, killed by himself or her-
41 self, which shall be carried openly for inspection, together with his or her license.
42 The number of game birds that may be killed in any one day by one person
43 is hereby limited to twenty ducks, geese, brant, coots, rail and other water fowl
44 and fifteen game birds of any other one kind, except ruffed grouse (par-
45 tridge), pinnated grouse (prairie chicken), Mexican blue quail, California Val-
46 ley quail, California Mountain quail, wild turkey, English Ringneck pheasants,
47 Chinese Ringneck pheasants, Green Japanese pheasants, Copper pheasants,
48 Soemmering pheasants, Tropagan pheasants, Silver pheasants, Golden pheas-
49 ants, Reeves pheasants, Elliott pheasants, Hungarian pheasants, Swinhoe pheas-
50 ants, Amherst pheasants, Melanote pheasants, Impeyan pheasants and Argus
51 pheasants. The number of squirrels that may be killed in any one day by one
52 person is hereby limited to fifteen.

53 The license fee above provided for shall be paid by the said clerk to the
54 State Treasurer at the end of each month, and shall be placed to the credit
55 of a fund to be known as the State game protection fund, and shall be disbursed
56 by the State Treasurer on vouchers certified to by the State Game Commis-
57 sioner and approved by the Governor and filed with the Auditor of Public
58 Accounts, who shall draw his warrant therefor on the State Treasurer.

59 Every license issued shall be signed by the licensee in ink, and as afore-
60 said shall entitle the person to whom issued to hunt, pursue and kill game
61 within the State at any time when it shall be lawful to hunt, pursue and kill
62 such game; and no person to whom a license has been issued shall be en-
63 titled to hunt, pursue or kill game or rabbits in this State without at the time
64 of such hunting, pursuing and killing of game he or she shall have such license
65 in his or her name and upon his or her person, ready to exhibit the same for
66 inspection; and such license shall be void after the first day of June next
67 succeeding its issuance: *Provided*, that the owner or owners of farm lands,

68 their children or tenants, shall have the right to hunt and kill game on the
69 farm lands of which he or they are the *bona fide* owners or tenants during the
70 season when it is lawful to kill game, without procuring such resident license.

71 Any person found guilty of violating any of the provisions of this section
72 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall
73 be fined in any sum not less than twenty-five dollars nor more than fifty dol-
74 lars for each and every offense, and shall stand committed to the county jail
75 until such fine and costs are paid; but such imprisonment shall not exceed
76 thirty days for each offense; or such person may be proceeded against in
77 an action of debt in the name of the People of the State of Illinois for the
78 recovery of the penalty herein prescribed.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby
2 repealed.

- 1 Introduced by Mr. G. H. Wilson, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to provide for uniformity of text books in the public schools of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the principals of the five State normal schools,
3 the president of the State University and the State Superintendent of Public
4 Instruction constitute a commission for the selection of a series of text books
5 for use in the public schools of Illinois in the following branches of study,
6 namely: Spelling, reading, arithmetic, United States history, geography, Eng-
7 lish grammar, physiology, penmanship and such other branches as may be re-
8 quired by law to be taught in such schools.

Sec. 2. Such commission shall be a body politic and corporate by the name
2 and style of "The State Text Book Commission," and have power to sue and to

3 be sued, to plead and be impleaded in all courts and places where judicial pro-
4 ceedings are had.

Sec. 3. The State Superintendent of Public Instruction shall be chairman
2 of this commission. The commission shall meet at the call of the chairman and
3 organize by electing one of its members secretary and by appointing such com-
4 mittees as may be necessary for the proper discharge of its duties. The first
5 meeting shall be held within thirty days after this Act takes effect.

Sec. 4. Such commission shall have power and it shall be its duty to se-
2 lect a series of text books for use in the public schools of this State in accord-
3 ance with the provisions of this Act.

Sec. 5. The books selected and contracted for by such commission for use
2 in the public schools of Illinois by virtue of this Act shall be uniformly used in
3 all the public schools of the State in teaching the branches of learning treated
4 of in such books and it shall be the duty of the proper school officers and authori-
5 ties to use in such schools such books for teaching the subjects treated in them:
6 *Provided*, that such books need not be used where their use would impair the
7 obligations of existing contracts.

Sec. 6. Such commission shall immediately, upon its organization, adver-
2 tise for twenty-one consecutive days in two daily papers published in this State
3 having the largest circulation that at a time and place to be fixed by said notice
4 and not later than three months after the first publication thereof, said com-
5 mission will receive sealed proposals from publishers of school text books for
6 furnishing books for use in the public schools of Illinois, as provided in this
7 Act, for a term of five years, stating specifically in such bid the price at which
8 each book will be furnished and accompanying such bid with specimen copies of
9 each and all books proposed to be furnished in such bid: *Provided*, that any

10 and all bids by publishers must be accompanied by a bond in the penal sum
11 of fifty thousand dollars, with resident freehold surety, to the acceptance and
12 satisfaction of said commission, conditioned that if any contract be awarded to
13 any bidder hereunder, such bidder will enter into a contract to perform the con-
14 ditions of his bid to the acceptance and satisfaction of said commission: *And*
15 *provided, further*, that no bid shall be considered unless the same be accom-
16 panied by the affidavit of the bidder that he is in no wise directly or indirectly
17 connected with any other publisher or firm who is now bidding for books sub-
18 mitted to such commission, nor has any pecuniary interest in any other pub-
19 lisher or firm bidding at the same time and that he is not a party to any com-
20 pact, syndicate or other scheme whereby the benefits of competition are de-
21 nied to the People of this State.

Sec. 7. It shall be the duty of such commission to meet, at the time and
2 place mentioned in such notice, and open and examine all sealed proposals re-
3 ceived pursuant to the notice provided for in section (6) of this Act, and it shall
4 be the further duty of such commission to make a full, complete and thorough
5 investigation of all such bids or proposals and to ascertain under which of
6 said proposals the school books could be furnished to the People of the State
7 for use in the public schools at the lowest price, taking into consideration the size
8 and quality, as to matter, material, style of binding and mechanical execution
9 of such books.

Sec. 8. As soon as such commission has entered into any contract for the
2 furnishing of books for use in the public schools of this State pursuant to the
3 provisions of this Act, it shall be the duty of the State Superintendent of Pub-
4 lic Instruction to notify the several county superintendents, who in turn shall
5 notify the boards of directors and boards of education of their counties.

Sec. 9. It shall be the duty of the school directors of each and every dis-
2 trict in this State, within thirty days after receiving notice from the county su-

3 perintendent and at such other times as books may be needed for use in the
4 public schools of their respective districts, to certify to their county superin-
5 tendent the number of school text books provided in such contract or contracts
6 required by the children for use in the schools of their several districts. Such
7 county superintendent shall forthwith make a requisition for said books upon
8 the contractor or contractors, who shall, within sixty days, ship the books so
9 ordered to the county superintendent. Upon the receipt of such books the
10 county superintendent shall notify the several boards of directors, whose duty
11 it shall be to immediately procure and take charge and custody of all the books
12 assigned to their several districts, receipting therefor to the said county super-
13 intendent; and upon receipt of such books by said directors they shall furnish
14 them on demand to the school patrons or school children of their respective dis-
15 tricts, at the price fixed therefor by the contract entered into between said
16 text book commission and said contractor or contractors, and it shall be the
17 duty of such school officers to sell books for cash only; and if they shall sell or
18 dispose of any books other than for the cash price thereof, they shall be held
19 personally liable for the price of such book or books.

Sec. 10. It shall be the duty of boards of education, upon receipt of no-
2 tice from their county superintendent, to make requisitions directly upon the
3 contractor or contractors for such books as have been contracted for by said
4 commissioners and are needed for use in their several districts and upon the
5 receipt of the same to sell them to the patrons of their several districts as
6 specified in section (9) of this Act.

Sec. 11. Boards of directors shall pay to the county superintendent the
2 first of October after this Act takes effect, and thereafter quarterly, the money
3 received from the sale of books and render to such officer a detailed state-
4 ment of the number of books of each kind sold and the number of each kind
5 on hand.

Sec. 12. It shall be the duty of each county superintendent in this State,
2 within ten days after receiving any report or money on account of the sale of
3 any books from any board of directors of his county as hereinbefore provided,
4 to make a full, true and verified report to the contractor or contractors of
5 the number of each kind of books sold and of the number of each kind of
6 books on hand with said school officers and himself, which report shall be ac-
7 companied by all cash received by him from such boards of directors on ac-
8 count of such sales, and he shall file a duplicate thereof in the office of the
9 county clerk. The necessary blanks for such reports shall be furnished by the
10 contractor or contractors.

Sec. 13. It shall be the duty of boards of education to keep an accurate
2 account of all books received and sold and to render a report to the contractor
3 or contractors quarterly, beginning with October 1 after this Act takes effect,
4 showing the number of each kind of books sold and the number of each kind
5 on hand, which report shall be accompanied by all cash received by such board
6 on account of the sale of books as hereinbefore provided. Blanks for such re-
7 ports shall be furnished by the contractor or contractors.

Sec. 14. Upon failure of any county superintendent, board of directors, or
2 board of education to perform any duty or to make report of any cash received
3 by him or them, as required by the provisions of this Act, a right of action
4 shall immediately accrue to the contractor against the said officer so in default
5 for an accounting and for the recovery of any money received and not trans-
6 mitted, as provided for in this Act, and for any damage which may have re-
7 sulted from his or their neglect or failure to comply with the provisions of
8 this Act; and any judgment in favor of the contractor in any such action shall
9 include a reasonable fee for the attorney prosecuting the suit.

Sec. 15. The members of the State Text Book Commission shall receive
2 no compensation for their services. The incidental expenses of the commission
3 and the necessary traveling and other incidental expenses of its members in-
4 curred in the performance of their official duties shall be paid from the State
5 treasury from any funds not otherwise appropriated upon the presentation of
6 an itemized and verified statement of such expenses, approved by the Governor.

Sec. 16. Such parts of Acts heretofore passed as are inconsistent with
2 the provisions of this Act are hereby repealed.

Sec. 17. This Act shall take effect and be in force on and after July 1,
2 1909.

- 1 Introduced by Mr. Speaker, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend sections 17 and 18 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 17 and 18 of an Act entitled, "An Act
3 for the assessment of property and providing the means therefor, and to re-
4 peal a certain Act therein named," approved February 25, 1898, in force
5 July 1, 1898, be and the same hereby are amended to read as follows:

6 Sec. 17. The assessor shall furnish to each person required to list personal
7 property a printed blank schedule, forms to be furnished by the Auditor of Pub-
8 lic Accounts, upon which shall be printed a notice substantially as follows:

Assessor.''

18 And every person required to list personal property or money shall fill
19 out, subscribe and swear to, and return to the assessor, in person or by mail,
20 at the time required, such schedule in accordance with law, giving the num-
21 bers, amounts, quantity and quality of all the articles enumerated in said
22 schedule by him possessed, or under his control, required to be listed by him for
23 taxation. The assessor shall determine and fix the fair cash value of all items
24 of personal property, including all grain on hand on the first day of April, and
25 set down the same, as well as the amounts of notes, accounts, bonds, and mon-
26 eys, in a column headed, "full value," and ascertain and assess the same at
27 *one-third* part thereof, and set down said *one-third* part thereof in a column
28 headed "assessed value," which last amount shall be the assessed value there-
29 of for all purposes of taxation. The assessor, or some person authorized
30 by law to administer an oath, shall administer the oath required in this section.

36 Real property shall be valued at its fair cash value, estimated at the
37 price it would bring at a fair voluntary sale in the due course of trade, which
38 shall be set down in one column to be headed "full value," and *one-third part*

39 thereof shall be set down in another column, which shall be headed "assessed
40 value."

41 The State Board of Equalization in valuing property assessed by them
42 shall ascertain and determine respectively the fair cash value of such prop-
43 erty, which fair cash value shall be set down in one column to be headed "full
44 value," and *one-third* part thereof shall be ascertained and set down in an-
45 other column, which shall be headed "assessed value."

46 The *one-third* value of all property so ascertained and set down shall be
47 the assessed value for all purposes of taxation, limitation of taxation and
48 limitation of indebtedness prescribed in the constitution or any statute.

- 1 Introduced by Mr. Speaker, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend section 2 of an Act entitled, “An Act concerning the levy and extension of taxes,” approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, “An Act concerning the levy and extension of taxes,” approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, be and the same is hereby amended to read as follows:

Sec. 2. The county clerk in each county shall ascertain the rates per cent required to be extended upon the assessed valuation of the taxable property in the respective towns, townships, districts, incorporated cities and villages in his county, as equalized by the State Board of Equalization for the current year, to produce the several amounts certified for extension by the taxing

11 authorities in said county (as the same shall have been reduced as hereinbe-
12 fore provided in all cases where the original amounts exceed the amount author-
13 ized by law): *Provided, however,* that if the aggregate of all the taxes (ex-
14 clusive of State taxes, village taxes, levee taxes, school building taxes, high
15 school taxes, road and bridge taxes, and also bonded indebtedness taxes in
16 cities whose bonded indebtedness exceeds *six* per cent of the assessed valua-
17 tion of the property therein upon which under existing laws, taxes are required
18 to be extended, and taxes levied pursuant to the mandate or judgment of any
19 court of record on any bonded indebtedness), certified to be extended against
20 any property in any part of any taxing district or municipality, shall exceed
21 *three* per cent of the assessed valuation thereof upon which the taxes are re-
22 quired to be extended, the rate per cent of the tax levy of such taxing district
23 or municipality shall be reduced as follows: The county clerk shall reduce the
24 rate per cent of the tax levy of such taxing district or municipality in the
25 same proportion in which it would be necessary to reduce the highest aggre-
26 gate per cent of all the tax levies (exclusive of State taxes, village taxes, levee
27 taxes, *school building taxes, high school taxes,* road and bridge taxes, and also
28 bonded indebtedness taxes in cities whose bonded indebtedness exceeds *six* per
29 cent of the assessed valuation of the property therein upon which, under ex-
30 isting laws, taxes are required to be extended, and taxes levied pursuant to
31 the mandate or judgment of any court of record on any bonded indebtedness),
32 certified for extension upon any of the taxable property in said taxing district
33 or municipality, to bring the same down to *three* per cent of the assessed value
34 of said taxable property upon which said taxes are required by law to be ex-
35 tended: *Provided, further,* that in reducing tax levies hereunder the rate per
36 cent of the tax levy for county purposes *in counties having a population of*
37 *over 300,000* shall not be reduced below a rate of *forty cents* on each one hun-
38 dred dollars assessed value, *and in counties having a population of less than*

39 300,000 the rate of the tax levy for county purposes shall not be reduced below
 40 a rate of forty-five cents on each one hundred dollars assessed value, and the
 41 rate per cent of the tax levy for city or village purposes (exclusive of library,
 42 school and park purposes) in cities and villages having a population of over
 43 150,000 shall not be reduced below a rate of one dollar and ten cents on each
 44 one hundred dollars assessed value, and in cities and villages having a popula-
 45 tion of less than 150,000 shall not be reduced below a rate of one dollar and
 46 twenty cents, exclusive of the taxes levied in such cities or villages having a
 47 population of less than 150,000 for the payment of the principal of and the
 48 interest on bonded indebtedness, on each one hundred dollars assessed value,
 49 and the rate per cent of the school tax levy for educational purposes shall not
 50 be reduced below a rate of one dollar and fifty cents on each one hundred
 51 dollars assessed value, but the other taxes which are subject to reduction un-
 52 der this section shall be subject only to such reduction, respectively, as would
 53 be made therein under this section if this proviso were not inserted herein:
 54 And, provided, further, in reducing tax levies hereunder all school taxes levied
 55 in cities exceeding 150,000 inhabitants, with the exception of the levy for school
 56 building purposes, shall be included in the taxes to be reduced.

57 The rate per cent of the tax levy of every county, city, village, town,
 58 township, school district, park district, sanitary district, road district, and
 59 other public authorities (except the State), shall be ascertained and determined
 60 (and reduced when necessary as above provided), in the manner hereinbe-
 61 fore specified, and shall then, *commencing with the year 1909* be extended by
 62 the county clerk upon the assessed value of the property subject thereto (*be-*
 63 *ing one-third of the full value thereof*) as equalized according to law. In re-
 64 ducing the rate per cent of any tax levy, as hereinbefore provided, the rates
 65 per cent of all tax levies certified to the county clerk for extension as origin-
 66 ally ascertained and determined under section one of this Act shall be used

67 in ascertaining the aggregate of all taxes certified to be extended, without
68 regard to any reductions made therein under this section: *Provided*, that no
69 reduction of any tax levy made hereunder shall diminish any amount appro-
70 priated by corporate or taxing authorities for the payment of the principal or
71 interest on bonded debt, or levied pursuant to the mandate or judgment of any
72 court of record. And to that end every such taxing body shall certify to the
73 county clerk with its tax levy, the amount thereof required for any such pur-
74 poses.

75 In case of a reduction hereunder any taxing body whose levy is affected
76 thereby and whose appropriations are required by law to be itemized, may,
77 after the same have been ascertained, distribute the amount of such reduction
78 among the items of its appropriations, with the exceptions aforesaid, as it
79 may elect. If no such election be made within three months after the extension
80 of such tax, all such items, except as above specified, shall be deemed to be
81 reduced *pro rata*.

- 1 Introduced by Mr. Naylor, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to insure greater safety to the lives of the traveling public and prescribing the number of employes to be used in the operation of passenger and freight trains in the State of Illinois and providing a penalty for a violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person, receiver
3 or corporation operating a line of railroad situated in whole or in part in the
4 State of Illinois, or any officer, agent or representative, receiver or corporation
5 to run or suffer or permit to be run over its road, or part of its road, outside of
6 yard limits, any passenger train (composed of passenger, mail, milk, baggage,
7 express, newspaper, or stock cars, or other equipment hauled in passenger
8 trains,) having six (6) cars or more, with less than a full passenger crew, consist-

ing of one engineer, one fireman, one conductor, one brakeman, and one flagman (said flagman's place of duty shall be on the rear end of the train for the purpose of protecting it); or to run or suffer or permit to be run over its road, outside of yard limits, any such passenger train composed of less than six such cars with less than a full passenger crew consisting of one engineer, one fireman, one conductor and one flagman. On passenger trains of more than two cars the said flagman shall not be required to perform the duties of baggage master or express messenger while on the road.

The addition to a train of a car or cars between terminals in this State shall not constitute a violation of this section, if said train was manned in accordance herewith on leaving terminal.

Sec. 2. It shall be unlawful for any person, receiver or corporation operating a line of railroad situated in whole or in part in the State of Illinois, or any officer, agent or representative of such person, receiver or corporation to run, or suffer or permit to be run over its road, or any part of its road, outside of yard limits, any freight or other train (except a passenger train) consisting of more than fifty (50) freight or other cars, with less than a full train crew of six persons, to-wit: One engineer, one fireman, one conductor, two brakemen, and one flagman (said flagman's place of duty shall be on the rear end of each train for the purpose of protecting it); and it shall be unlawful for any such person, receiver or corporation to run or suffer or permit to be run over its road, or any part of its road, outside of yard limits, any freight or other train (except a passenger train) consisting of less than fifty (50) freight or other cars, with less than a full crew for such train, consisting of five persons, to-wit: One engineer, one fireman, one conductor, one

15 brakeman, and one flagman: *Provided*, that a light engine, without cars, shall
16 have a crew consisting of one engineer, one fireman, and one conductor or
17 pilot.

Sec. 3. Any person, receiver, or corporation operating a line of railroad
2 situated in whole or in part in the State of Illinois, or any officer, agent or rep-
3 resentative of such person, receiver, or corporation, violating any of the pro-
4 visions of this Act shall be deemed guilty of a misdemeanor, and upon convic-
5 tion thereof, shall be fined not less than two hundred (200) dollars nor more
6 than five hundred (500) dollars for each offense; and such person, receiver, or
7 corporation shall be liable for any damages caused by the violation of any of
8 the provisions of this Act.

Sec. 4. It shall be the duty of the Board of Railroad and Warehouse Com-
2 missioners, through the Attorney General, to have this law enforced.

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- 1 Introduced by Mr. Abrahams, March 11, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or persons
3 to drive, run, conduct, or propel any automobile or other conveyance of simi-
4 lar type or kind used for the purpose of transporting or conveying passengers
5 or freight or any other purposes whether said automobile or conveyance or
6 such other vehicle is propelled by steam, gasoline or electricity or any other
7 mechanical power, at a rate of speed in excess of six miles per hour upon any
8 public street, road or highway in the State of Illinois: *Provided*, that nothing
9 in this section contained shall prohibit or prevent the running of such auto-
10 mobiles, or vehicles at a greater rate of speed than six miles per hour upon
11 such streets within incorporated cities or villages, as may be set apart for use

12 of such automobiles and other conveyances, and upon which said cities or vil-
13 lages may by ordinance permit a greater rate of speed than herein specified.

Sec. 2. Whenever it shall appear that any horse driven or ridden by any
2 person, upon any of said streets, roads or highways is about to become fright-
3 ened by the approach of any such automobile or vehicle, it shall be the duty
4 of the person driving or conducting such automobile or vehicle to cause the
5 same to come to a full stop until such horse or horses have passed.

Sec. 3. Any person or persons violating the provision of the foregoing
2 sections 1 or 2 shall, upon conviction, be sentenced to pay a fine of not less
3 than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00) and
4 may be confined in the county jail not to exceed six months, or both, in the dis-
5 cretion of the court.

Sec. 4. In any action brought to recover any damages either to person
2 or property caused by running such automobiles or vehicles at a greater speed
3 than designated in section one (1), the plaintiff or plaintiffs shall be deemed
4 to have made out a *prima facie* case by showing the facts of such inquiry and
5 that such person or persons driving such automobiles or vehicles was at the
6 time of the injury running the same at a speed in excess of that mentioned in
7 section one (1).

Sec. 5. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Durfee, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.

A BILL

For an Act to amend section 18 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 18 of an Act entitled "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, be and the same is hereby amended to read as follows: That the fees of the clerk of the county court (county clerk) shall be—

For issuing letters testamentary, of administration, of guardianship or of conservatorship and for the issuance, entering and filing and recording any and all process, files, reports, papers or other instruments pertaining to the execu-

tion or administration of the estate of any deceased person, or of the guardianship of any minor, or the conservatorship of any defective person in each case, nine dollars in counties of the first class, and ten dollars in counties of the second class and an additional sum of six dollars where it becomes necessary to sell or mortgage the real estate of any executor, administrator, guardian, or conservator of the estate.

For recording each will, fifty cents, and ten cents for each additional one hundred words, when the instrument contains more than five hundred words, in counties of the first and second class.

In all actions at law, suits or proceedings, either civil or criminal, in which the county court has concurrent jurisdiction with the circuit court, and for which services the fees of the circuit clerk are fixed at a sum total, the fee of the clerk of the county court shall be the same as those fixed for the circuit clerk and as classified therein.

For each official copy of any process, file, record or other instrument of and pertaining to his office, ten cents for each one hundred words, and twenty-five cents additional for certifying and sealing the same, in counties of the first and second class.

For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to his office, thirty-five cents, in counties of the first and second class.

For swearing any person to an affidavit, when the same has no relation to any matter pending in the county court, twenty-five cents, in counties of the first and second class.

For issuing each license in all matters except where the fee for the issuance thereof is otherwise fixed, one dollar, in counties of the first and second class.

37 For issuing each marriage license, the certificate thereof and recording the
38 same, one dollar in counties of the first and second class.

39 For taking and certifying depositions, ten cents for each one hundred
40 words, in counties of the first and second class.

41 For taking and certifying acknowledgments to any instrument, twenty-five
42 cents, in counties of the first and second class.

43 For taking proof in cases of estrays and granting certificates of the same,
44 twenty-five cents, in counties of the first and second class.

45 For registering each certificate transmitted to him by a justice of the
46 peace, in cases of estrays, ten cents, in counties of the first and second class.

47 For advertisement in such cases, including a copy for newspaper publica-
48 tion, fifty cents, in counties of the first and second class.

49 For trying and sealing weights and measures by county standard, fifty
50 cents, in counties of the first and second class.

51 For cancelling tax sale, and issuing and sealing certificate of redemption,
52 twenty-five cents, in counties of the first and second class.

53 The following fees shall be audited and allowed by the county board in
54 counties of the first and second class and paid from the county treasury.

55 For making a transcript of taxable property for the assessor, two cents
56 for each tract of land or town lot.

57 For copying the assessor's return of taxable property on the collector's
58 books, and extending valuation by assessor, and State and county boards of
59 equalization, in separate columns, and computing and extending State and
60 county tax therein, for each tract of land, each town lot and each person's
61 personal property, five cents.

62 For computing and extending school tax, and each other tax or special
63 assessment, on each tract or town lot or valuation of personal property, for
64 each extension, one cent.

65 For examining and correcting the assessor's return; for making abstracts
 66 of same for the board of supervisors and State Auditor; for making abstracts
 67 of taxes levied on collector's books; and for auditor's office, and for comput-
 68 ing the accounts of the county treasurer with the county, and making settlement
 69 with such treasurer, the county board shall allow such reasonable compensation
 70 as may be just and right for such services.

71 For entering the list of lands and town lots returned by the State Auditor,
 72 on the tract book, for each tract or town lot, two cents.

73 For attending the sessions of the county board, or county court, six dollars
 74 per day.

75 For recording proceedings of the county board in county business, for
 76 every one hundred words, ten cents.

77 For recording miscellaneous instruments and papers, required by law to be
 78 recorded on the county records, for every one hundred words, ten cents.

79 For issuing each certificate of appointment or commission, the fee for which
 80 is not otherwise fixed by law, twenty-five cents.

81 No fees shall be allowed to county clerks for making election returns, ab-
 82 stracts of elections, or for other county business not otherwise provided for in
 83 this Act; but the county board shall allow for such service an *ex officio* fee,
 84 not in excess of one hundred dollars per annum.

85 The following fees shall be allowed for services attending the sale of land
 86 for taxes, and shall be charged as costs against the delinquent property and be
 87 collected with the taxes thereon.

88 For making lists of delinquent lands and town lots for judgment, for each
 89 tract and town lot, three cents.

90 For making lists of delinquent lands and town lots on precept and sale
 91 and redemption records, for each tract and town lot, three cents, including serv-
 92 ice thereon.

93 For services in attending the tax sale and issuing certificates of sale and
94 sealing the same, for each tract or town lot sold, twenty-five cents.

95 For making list of delinquent lands and town lots sold, to be filed with the
96 State Auditor, three cents.

AMENDMENT TO

46th Assem.

HOUSE—No. 297

May 1909

Adopted May 18, 1909.

AMENDMENT NO. 1.

Amend House printed bill No. 297 by striking out lines 52, 53, 54, 55, 56, 57 58, 59, 60, 61, 62, 63, and 64 and insert the following: "for making transcript of taxable property for the assessors, one cent in counties of the first class, and two cents in counties of the second class, for each tract of land or town lot, and for extending taxes, one cent in counties of the first class, and two cents in counties of the second class for extending each tax on each tract or lot, and each person's personal tax, to be paid by the authority for whose benefit the transcript is made and taxes extended, and it shall be the duty of the county clerk to certify to the county collector the amount due from each authority, and the collector, in his settlement with such authority, shall reserve such amount from the amount due and payable to him to such authority. The following fees shall be audited and allowed by the county board and paid from the county treasury."

- 1 Introduced by Mr. Curran, March 11, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 1 of an Act entitled, “An Act to amend the criminal code to change the punishment of persons convicted of the crime of petit larceny and misdemeanors, and to repeal an Act entitled, ‘An Act to amend section 168 of an Act entitled, ‘An Act to revise the law in relation to criminal jurisprudence,’” approved March 27, 1874, approved April 10, 1877, and in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Section 1 of an Act entitled, an Act to amend sec-
3 tion 1 of an Act entitled, “An Act to amend the criminal code to change the
4 punishment of persons convicted of the crime of petit larceny and misdemean-
5 ors, and to repeal an Act entitled, ‘An Act to amend section 168 of an Act en-
6 titled, an Act to revise the law in relation to criminal jurisprudence,’” ap-
7 proved March 27, 1874, approved April 10, 1877, and in force July 1, 1877, be
8 and the same is hereby amended so as to read as follows:

9 Sec. 1. Every person convicted of larceny, if the property stolen exceeds
10 the value of fifteen dollars, *or of any value if stolen from the person of an-*
11 *other*, shall be imprisoned in the penitentiary not less than one, nor more than
12 ten years. If the property stolen is of the value of fifteen dollars, or less, the
13 person convicted shall be confined in the county jail, or sentenced to labor in
14 the work-house of the county, city or town, where the conviction is had, or on
15 the streets or alleys of the city, or on the public roads in the county, or to such
16 labor under the direction of the sheriff as the county board may provide for,
17 not exceeding one year, and fined not exceeding one hundred dollars.

AMENDMENT TO

46th Assem.

HOUSE—No. 298

May 1909

Adopted May 7, 1909.

Amend House Bill No. 298 by striking out the words and figures “\$15” and inserting the words and figures “\$50.”

1 Introduced by Mr. Speaker, March 12, 1909.

2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend an Act entitled, "An Act to establish and maintain a system
of free schools," approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 17 to 28, both inclusive, of article VI
3 of an Act entitled, "An Act to establish and maintain a system of free schools,"
4 approved and in force May 21, 1889. be and the same are hereby amended, and
5 that said Act be and is hereby further amended by adding to article VI of
6 said Act twenty additional sections to be numbered consecutively from 29 to
7 48, which said sections as amended and said additional sections shall read as
8 follows:

9 Sec 17. Cities having a population exceeding 100,000 inhabitants shall
10 constitute one school district and shall maintain a thorough and efficient sys-
11 tem of free schools, which shall be under the charge of a board of education,

12 and no power vested in such board of education, or in any of its officers, agents
13 or employes, shall be exercised by the city council of such city.

14 Sec. 18. The board of education shall consist of fifteen members, to be
15 appointed by the mayor with the approval of the city council, three of whom
16 shall be appointed for the term of one year, three for the term of two years,
17 three for the term of three years, three for the term of four years, and three
18 for the term of five years. Thereafter, at the expiration of the term of any
19 member of said board of education, his successor shall be appointed in like man-
20 ner and all members thus appointed and their successors shall hold their office
21 for the term of five years from the first day of July of the year in which they
22 are appointed. Any vacancy which may occur in the membership of said board
23 of education shall be filled through appointment by the mayor with the approv-
24 al of the city council for the unexpired term. If any person so appointed shall
25 fail to qualify within thirty days after his appointment, the office shall be
26 filled by a new appointment for the unexpired term. Members of the board of
27 education shall serve without compensation. Any member of the board of edu-
28 cation may be removed by the mayor, when requested in writing so to do by
29 a majority of the entire board, upon proof either of official misconduct
30 in office or of neglect of official duty, or of misconduct in any way connected
31 with his official duties or otherwise, which tends to discredit his office or the
32 school system, or for mental or physical inability to perform his duty as a
33 member, but before the removal of such member, he shall receive a timely
34 notice in writing of the charges and a copy thereof and shall be entitled to
35 a hearing on like notice before the mayor and to the assistance of counsel on
36 said hearing.

37 Sec. 19. To be eligible for appointment to the board, a person shall be at
38 least twenty-five years of age and a citizen of the United States and shall have
39 been a resident of the city for at least five years immediately preceding his or her

40 appointment. Permanent removal from said city by any member of said board
41 during his or her term of office shall constitute a resignation therefrom and
42 create a vacancy in said board.

43 Sec. 20. Members of the board of education shall not, while serving as
44 such members, hold any other public office under the federal, State or any local
45 government other than that of notary public or member of the National Guard,
46 and by accepting any such public office, while members of the board of educa-
47 tion, or by not resigning any such office held at the time of being appointed
48 to the board of education, within thirty days after such appointment, shall be
49 deemed to have vacated their membership in such board.

50 Sec. 21. Rules of the board of education shall be enacted or changed,
51 money appropriated or expended, salaries fixed or changed, courses of instruc-
52 tion adopted or changed, only at the regular meetings of the board of edu-
53 cation and by a vote of a majority of the full membership of the board; and
54 upon such propositions and upon all propositions requiring for their adoption
55 at least a majority of all the members of the board, the ayes and nays shall be
56 taken and recorded. The said board shall keep a faithful record of all its
57 proceedings in well bound books.

58 Sec 22. The board of education shall elect annually from its own number
59 a president and vice president in such manner and at such time after the yearly
60 appointment of new members and not later than the second regular meeting of
61 the board after such appointment, as the board may determine by its rules.
62 The president shall preside at the meetings of the board and shall have the
63 same power to vote at such meeting as any other member, but shall not have
64 the power of veto. He shall perform such duties as may be imposed upon
65 him by the rules of the board. The vice president shall perform the duties of
66 the president in case of the president's absence or inability to act, and shall

67 perform such other duties as may be imposed upon him by the rules of the
68 board. The board of education shall also elect a secretary and prescribe his
69 duties, compensation and term of office.

70 Sec. 23. The board of education shall, by a vote of a majority of the full
71 membership of the board, appoint as executive officers, a superintendent of
72 education and a business manager, who shall each hold office for a term of four
73 years, and may also appoint or provide for the appointment of such other of-
74 ficers and employes as it may deem necessary.

75 Sec. 24. The board shall prescribe the duties, compensation and terms of
76 office of all officers, except as herein provided, and the salary of no officer shall
77 be lowered during his term of office except by a *pro rata* reduction that may be
78 necessary in case of a general reduction affecting all employes. The board shall
79 also prescribe the duties and compensation of all of its employes and determine
80 which of its officers or employes shall give bond and in what amount.

81 Sec. 25. The appointment and removal of the superintendent of education
82 and business manager and of the attorney, architect, secretary, chief engineer,
83 members of the examining board of teachers and auditor (if any or all of such
84 officers shall be appointed by the board) shall not be subject to the civil service
85 law, but such officers shall be removable only for cause by vote of not less than
86 a majority of all the members of the board upon written charges to be heard by
87 the board, or a duly authorized committee of the same, upon due notice to the
88 officers against whom they are preferred, who shall have the privilege of being
89 present, offering evidence and making their defense thereto, but pending the
90 hearing of such charges the officers charged may by a two-thirds vote be sus-
91 pended by the board.

92 Sec. 26. All appointments of employes of the board of education, except
93 as herein otherwise provided, shall be made pursuant to the provisions of the
94 civil service law, and no employes shall be removed except for cause, upon
95 written charges, which shall be investigated and determined by the board of
96 education, whose action and decision in the matter shall be final. The hearing
97 of said causes, at which the person accused may be present, offer evidence and
98 make defense thereto, may be before a duly authorized committee of said
99 board. Teachers shall be exempt from the provisions of this section.

100 Sec. 27. The title of all property, real and personal, held for the use or
101 benefit of schools, shall be vested in the city in trust for the use of schools.

102 Sec. 28. The board of education may, with the concurrence of the city
103 council, acquire by purchase, condemnation or otherwise, real estate for school
104 purposes, including school buildings, play grounds and offices for the board of
105 education. Condemnation proceedings for the purpose of acquiring such prop-
106 erty shall be conducted in the name of the city in trust for the use of schools.

107 Sec. 29. The board of education shall have power, with the concurrence of
108 the city council, to erect or purchase buildings suitable for school houses and
109 school administration and keep the same in repair; and to issue bonds for the
110 purpose of building, furnishing and repairing school houses and school ad-
111 ministration buildings and for purchasing sites for the same, and to provide
112 for the payment of said bonds; to borrow money for school purposes upon the
113 credit of the city.

114 Sec. 30. The board of education may rent buildings, rooms or grounds for
115 the use of schools, or for the purpose of school administration.

116 Sec. 31. The board of education shall have the power to let school prop-
117 erty on leasehold for a term not longer than ninety-nine years from the date
118 of granting the lease.

119 Sec. 32. The board of education may grant the use of assembly halls and
120 class rooms when not otherwise needed, including light, heat and attendants, for
121 public lectures, concerts and other educational and social interests, free of
122 charge, but under such provisions and control as the board may see fit.

123 Sec. 33. No sale of real property used for school purposes, or held in
124 trust for schools, shall be made by the city council, except upon the written re-
125 quest of the board of education. Personal property under the control of the
126 board of education and no longer needed for its purposes, may be sold
127 under its direction.

128 Sec. 34. All moneys raised by taxation for school purposes, or received
129 from the State common school fund, or from any other source for school pur-
130 poses, shall be held by the city treasurer as a separate fund for school pur-
131 poses, subject to the order of the board of education, upon the warrant of
132 its president, to be countersigned by the mayor and city comptroller.

133 Sec. 35. Investments of school funds shall be made only in govern-
134 ment, State or municipal securities.

135 Sec. 36. The mayor shall, as often as yearly, and may, as often as
136 semi-annually, appoint certified public accountants to examine and audit the
137 accounts of the board of education and a report thereof, together with any
138 recommendation of such accountants as to changes in the business methods
139 of the board, or any of its departments, officers or employes, shall be made
140 to the mayor, the city council and the board of education, and be spread upon
141 the records of the latter. The expense of such audit shall be paid by the
142 board.

143 Sec. 37. The board of education shall make an annual report to the
144 city council. The board shall also prepare and publish an annual report,

145 which shall include the receipts and expenditures of each school, specifying
146 the source of such receipts and the objects of such expenditures.

147 Sec. 38. The board of education shall exercise general supervision and
148 management of the public education and the public school system of the
149 city, and shall have power to make suitable provision for the establishment
150 and maintenance through the year, or for such portion of the year as it may
151 direct, of schools of all grades and kinds, including normal schools, night
152 schools, schools for defectives and delinquents, parental or truant schools,
153 schools for the blind, the deaf and the crippled, schools or classes in man-
154 ual training, constructional and avocational teaching, domestic arts and phys-
155 ical culture, vacation and extension schools and lecture courses, and all other
156 educational courses and facilities. It shall have the power to co-operate with
157 the juvenile court and to make arrangements with public or quasi-public
158 libraries and museums, for the purpose of extending the privilege of such
159 libraries and museums to teachers and pupils of the public schools. And
160 said board is empowered to acquire, anywhere within the county in which
161 said city is situated, by purchase or exchange, site or sites for normal, par-
162 ental or truant schools, schools for defectives, delinquents, blind, deaf or
163 crippled children, in the same manner as is provided in the case of the pur-
164 chase of public school sites in said city, and authority is expressly granted
165 for this purpose.

166 Sec. 39. The board of education shall establish ordinances, by-laws,
167 rules and regulations, which shall have the force of ordinances, for the proper
168 maintenance of a uniform system of discipline and management of the schools,
169 and may fix the school age of pupils, the minimum of which in kindergar-
170 ten schools shall not be under four years and in the grade schools shall not
171 be under six years. It shall have the power to expel any pupil who shall be
172 guilty of gross disobedience or misconduct,

173 Sec. 40. The board of education shall have continuing power to divide
174 the city into sub-districts and apportion the pupils to the several schools,
175 but no pupils shall be excluded from or segregated in any such school on
176 account of his or her race, color or nationality.

177 Sec. 41. The board of education shall have the power to prescribe the
178 courses and methods of study in the various schools, and to employ teach-
179 ers and other educational officers and fix their compensation.

180 Sec. 42. Said board of education shall not add to the expenditures for
181 school purposes anything over and above the amount that shall be received
182 from the State common school fund, the rental of school lands or property
183 and the amount annually appropriated for such purposes. If said board shall
184 so add to such expenditures, the city shall not, in any case, be liable therefor.
185 And nothing herein contained shall be construed so as to authorize any such
186 board of education to levy or collect any tax upon the demand or under the
187 direction of such board of education.

188 Sec. 43. The fiscal year of said board of education shall commence on
189 January 1, unless otherwise determined by rule of said board.

190 Sec. 44. The specification of the powers herein granted is not to be con-
191 strued as exclusive, but the board of education shall exercise all powers that
192 may be requisite or appropriate for the maintenance and fullest development
193 of an efficient public school system, not inconsistent with the provisions
194 of the general school law of the State.

195 Sec. 45. The superintendent of education shall have general supervision,
196 subject to the board of education, of the courses of study, text books, edu-
197 cational apparatus, discipline and conduct of the schools, and shall perform
198 such other duties as the board may by rule prescribe. Appointments, pro-

199 motions and transfers of teachers, principals and assistant and district super-
 200 intendants, and all other educational officers, shall be made, and text books
 201 and educational apparatus shall be introduced by the board of education
 202 only upon his recommendation, unless it be by two-thirds vote of all the
 203 members of the board. Text books shall not be changed oftener than once
 204 in four years, except upon the recommendation of the superintendent, ap-
 205 proved by a two-thirds vote of all the members of the board.

206 Sec. 46. The superintendent of education shall have the right to be
 207 present at all public meetings of the board of education and to take part in
 208 its discussions and deliberations, but shall have no vote.

209 Sec. 47. The business manager shall have general care and supervision
 210 of all the property and routine business of the board of education, subject to
 211 the direction of the board. He shall, with the concurrence of the board of
 212 education, appoint his subordinates. The board of education may maintain a
 213 bureau of building and construction, which shall have charge of the erec-
 214 tion, construction, alteration and repair of all buildings under the control of
 215 the board of education, and may appoint a chief architect, who shall be at the
 216 head of said bureau. The board of education may also appoint a chief engi-
 217 neer, who shall have charge of the matters relating to the heating, ventila-
 218 tion and sanitation of buildings. The said bureau of building and construc-
 219 tion and the heating, ventilation and sanitation of buildings shall be under the
 220 general supervision of the business manager, but under the direct control and
 221 management of the chief architect and chief engineer, respectively.

222 Sec. 48. A board of three examiners is hereby constituted, whose duty
 223 it shall be to examine all applicants who are required to hold certificates to
 224 teach, and to issue gratuitously to those who pass the required tests of char-
 225 acter, scholarship and general fitness, such certificates to teach as they are

226 found entitled to receive. Such board of examiners shall consist of the sup-
227 erintendent of schools, together with two persons appointed by the board
228 of education upon the nomination of the superintendent of schools. The
229 board of examiners shall hold such examinations as the board of education
230 may prescribe, and shall prepare all necessary eligible lists, which shall be
231 kept in the office of the superintendent of schools and be open to inspection by
232 members of the board of education and district superintendents. Members
233 of said board of examiners shall hold office for a term of four years.
234 Appointments and promotions of teachers and principals shall be made for
235 merit only, and after satisfactory service for a probationary period of three
236 years, appointments of teachers and principals shall become permanent, sub-
237 ject to the rules of the board concerning conduct and efficiency and subject
238 to removal for cause upon written charges after a hearing before the board
239 of education or a committee appointed by the board.

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- 1 Introduced by Mr. Curran, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

A BILL

For an Act to regulate the hours of labor of city employes in cities whose population exceeds one hundred thousand.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in all cities whose population exceeds one hundred thousand, no employe, in any department of such city in which persons are employed day and night, shall be compelled to work more than ten consecutive hours during the day time, nor more than fourteen consecutive hours during the night time.

7 The head or chief officer of such department shall so arrange the working hours of the employes of such department so that each employe shall work, as near as may be, an equal number of hours per month: *Provided, however,* that the head or chief officer of such department, his aids or assistants, may in their

11 discretion, in cases of great emergency or necessity, require such employes to
12 continue at their work or duties until, in the judgment of such head or chief
13 of the department, his aids or assistants, the work or services of such employes
14 is no longer required.

AMENDMENT TO

46th Assem.

HOUSE—No. 300

April 1909

Amend bill by adding thereto the following: "This Act shall not be in force and effect until January 1, A. D. 1910."

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

1 Introduced by Mr. DeWolf, March 17, 1909.

2 Read by title, ordered printed and referred to Committee on Primary Elections.

A BILL

For an Act to amend section 29 of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved February 21, 1908, in force July 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 29 of an Act entitled, "An Act to pro-

3 vide for the holding of primary elections by political parties," approved Feb-

4 ruary 21, 1908, in force July 1, 1908, be and the same is hereby amended so as to

5 to read as follows:

6 Sec. 29. Any candidate for United States Senator may have his name

7 printed upon the primary ballot of his political party by filing in the office of

8 the Secretary of State, not less than thirty (30) days prior to the date of the

9 April primary in any year, a petition signed by not less than three thousand

10 (3,000) primary electors nor more than five thousand (5,000), members of and

21 STATEMENT No. 1.

21

STATEMENT No. 2.

28

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- 1 Introduced by Mr. Durfee March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.

A BILL

For an Act to amend an Act entitled “An Act to allow per diem fees to clerks of the circuit and probate courts in counties of the first and second class,” approved June 7, 1895, in force July 1, 1895, and amended by Act in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act to amend an Act entitled “An Act to allow a per diem fee to clerks of the circuit and probate courts in counties of the first and second class,” be amended to read as follows:

Sec. 1. The clerks of the circuit court in counties of the first and second class shall receive and be allowed at a per diem fee for attendance upon said courts the sum of six dollars per day, and the clerks of the probate courts in counties of the second class shall be allowed the same per diem fee for attendance upon their respective courts as are now allowed to clerks of the county court and sheriffs in counties of the second class for such service.

11 *Provided, however,* that in counties of the first and second class, where
12 regular and branch circuit courts are held, clerks of the circuit courts shall re-
13 ceive and be allowed the sum of six dollars per diem for attendance upon each
14 of said courts.

-
- 1 Introduced by Mr. Finley, by request, March 17, 1909.
2 Read by title, ordered printed and referred to Committee on Farm Drainage.

A BILL

For an Act to amend section 17 of an Act entitled "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes and to provide for the organization of drainage districts," approved and in force May 29, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That after the order provided for in the foregoing
3 section shall have been signed, the court shall direct the commissioners to pro-
4 ceed to secure by agreement with the owners, if possible, the right of way of the
5 proposed ditches, drains, levees or other work within said district, and agree
6 upon damages to be paid to the owner or owners of land which will be damaged
7 in any manner other than by the taking for right of way, should there be any such
8 damages over and above benefits, and make a report to the court of the amount
9 agreed upon for right of way taken, and the damages agreed upon for lands not
10 taken, if any, for its approval.

11 And if, upon the making of such report, there are owners of lands whose
 12 lands are sought to be taken or damaged for the purposes above mentioned,
 13 whose damages can not be agreed upon, or in case the owner of the property is
 14 incapable of consenting, or his name or residence is unknown, or he is a non-resi-
 15 dent of the State, the court shall direct said commissioners to cause to be con-
 16 demned and assessed said damages, under the provisions of the eminent domain
 17 laws of the State, entitled, "An Act to provide for the exercise of the right of
 18 eminent domain," approved April 10, 1872, in force July 1, 1872.

Sec. 2. After said damages have been agreed upon and approved by the
 2 court, or condemned as aforesaid, the commissioners shall appoint three disinter-
 3 ested persons who reside in the county or counties in which the district is or-
 4 ganized, they shall give 10 days' notice by posting or causing to be posted in five
 5 of the most public places in the district, notices of said appointment giving the
 6 names of each person, and the time when a hearing will be had in the county court,
 7 where all persons interested may appear and make objections to the approval
 8 of the court of the appointment of all or either of such persons so appointed.

9 After hearing the objections the court may dismiss all or either of the per-
 10 sons and direct the sheriff to summons other persons to be agreed upon by the
 11 commissioners, which order the court can continue to make until three persons
 12 have been qualified and their appointment approved.

13 They shall be sworn and qualify to faithfully and impartially make an assess-
 14 ment of the benefits to the lands embraced in said proposed district, and
 15 against which no damages have been allowed. They shall go upon such lands in
 16 said district and examine the same and to the best of their ability and judgment
 17 ascertain the benefits which will be sustained by, or which will accrue to the lands
 18 affected by said proposed work and shall make out an assessment roll in which
 19 shall be set down in proper columns the names of the owners, when known, a
 20 description of the premises affected, in words or figures, or both, as shall be

21 most convenient, the number of acres in each tract, and the amount of benefits
22 which each tract will receive.

23 They shall receive as a compensation for their services \$3.00 per day while
24 making said assessment, claims for such services to be approved by the county
25 court and paid out of the funds of the county or counties in which the district
26 is organized.

- 1 Introduced by Mr. Finley, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Good Roads.

A BILL

For an Act to authorize the construction of gravel or other macadamized roads, providing for raising funds to pay for the same, and to protect all roads from injury through heavy hauling.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That on the petition of thirty (30) land owners,
3 who are legal voters of any township, to the town clerk thereof in counties un-
4 der township organization, or road districts in counties not under township or-
5 ganization to the county clerk, when giving notice of the time and place of
6 holding the next annual town meeting or road district meeting, that a vote will
7 be taken in regard to improving by grading, graveling, paving with stone or
8 other macadamizing material, certain roads, to be fully described and located
9 in said petition, advertising the same in at least one paper of general circula-
10 tion, published in the township or county where such road or roads are located
11 and by posting written or printed notices of said election in three public places

12 in said township or road district, and said notice for said election shall be
 13 signed by the commissioners of highways and attested by the town or county
 14 clerk, as the case may require, and the notices shall be posted by the town
 15 clerk, or in counties not under township organization, by the sheriff of the
 16 said county.

Sec. 2. The ballots for said election shall be in the following form:

For improving roads.....	
Against improving roads.....	

Sec. 3. If a majority of the ballots cast at said election are for improv-
 2 ing roads, it shall be the duty of the commissioners to procure a competent
 3 engineer to locate and view such road or roads and determine the width of
 4 the same. make a profile of the grade, determine the quality and depth of
 5 gravel, stone or other material to be used, and make an estimate of the cost
 6 of construction of said road or roads, including bridges, culverts, drainage and
 7 all other things necessary for its or their completion.

Sec. 4. It shall be the duty of the commissioners, at their next regular
 2 meeting after the election returns in favor of such road or roads have been
 3 canvassed, to advertise in at least three papers of general circulation in the
 4 county where such road or roads are located, asking for bids for the construc-
 5 tion of said road or roads; and such bids may be received at a regular or
 6 called meeting of the board, and said board shall let the same to the lowest
 7 responsible bidder; but no contract shall be let for a bid higher than the esti-
 8 mate made by engineer.

Sec. 5. Such bidder or bidders shall file with their bids a good bond, with suffi-
 2 cient securities, or a security company bond, not to exceed the estimate cost of

3 construction of said road or roads, and to be approved by the board of com-
 4 missioners for the faithful performance of the work, such bond being made
 5 payable to the township or county, as the case may be, and the contract made
 6 with such bidder or bidders shall specify the time and manner of construction
 7 as set forth in the plans and specifications of the engineer, also the time when
 8 such work shall be completed; and the principal and sureties upon such bond
 9 shall be liable to any and all persons for the persons performing labor and
 10 furnishing material in making such improvement, whether such work and labor
 11 and material was done or furnished by the contractor, sub-contractor or agent
 12 of either or any of them, including board for the laborers thereon during the
 13 construction of said improvement.

Sec. 6. For the purpose of raising money to pay for such construction the
 2 board of commissioners shall issue the bonds of the township, or the county in
 3 counties not under township organization, not to exceed the contract price and
 4 expenses incurred prior to the letting of the contract, in denominations not less
 5 than fifty (50) dollars each and in twenty equal series, the first series payable
 6 in six months, the second series in one year, the third series in eighteen months,
 7 the fourth series in two years, the fifth series in two years and six months, the
 8 sixth series in three years, the seventh series in three years and six months,
 9 the eighth series in four years, the ninth series in four years and six months,
 10 the tenth series in five years, the eleventh series in five years and six months,
 11 the twelfth series in six years, the thirteenth series in six years and six
 12 months, the fourteenth series in seven years, the fifteenth series in seven years
 13 and six months, the sixteenth series in eight years, the seventeenth series in
 14 eight years and six months, the eighteenth series in nine years, the nineteenth
 15 series in nine years and six months, the twentieth series in ten years, from the
 16 first day of June after the date of their issue, said bonds to bear interest at
 17 the rate of five per cent (5 per cent) per annum, and the principal and inter-

18 est thereon to be paid semi-annually on the first day of June and first day of
19 January. The commissioners shall sell these bonds at not less than their face
20 value, and the proceeds shall be kept as a separate and specific fund to pay
21 for the construction of the particular road or roads for which they were issued
22 and shall be paid out to the contractor only on warrants of the commissioners,
23 but no payment shall be made for more than 80 per cent of the engineer's
24 estimate of work done by the contractor, nor shall the whole amount of the
25 contract be paid until the road or roads shall have been received as completed
26 by the board of commissioners.

Sec. 7. For the purpose of raising money to meet said bonds and the in-
2 terest thereon, the commissioners shall annually thereafter, at the time their
3 general tax levy is made, levy a special tax on the property of the township
4 or townships, including the towns and cities, if such there be of less than thirty
5 thousand (30,000) inhabitants, in such manner as to meet the principal and in-
6 terest of said bonds as they become due, and such tax shall be collected as other
7 taxes and shall be applied to the payment of such bonds and interest. If the
8 road or roads run into or through two or more townships, the amount paid
9 thereof (thereon) shall be divided and charged upon the property of each town-
10 ship in the same ratio.

Sec. 8. All roads constructed under this Act in townships under township
2 organization, or by counties not under township organization, shall be free for
3 public travel, and shall be kept in repair by the proper authorities.

Sec. 9. All surplus funds remaining in the hands of the treasurer after the
2 completion of such roads shall be transferred to a fund for gravel or hard
3 road repairs.

Sec. 10. It shall be unlawful for any person to haul over any public high-
2 way, at any time when the road is thawing through, or by reason of wet

3 weather is in condition to be cut up and injured by heavy hauling, a load on
4 any vehicle with tires less than three inches in width, the combined weight
5 of which load and vehicle, including driver, shall be more than twenty-five
6 hundred (2,500) pounds; or on any vehicle with tires three inches and less
7 than four inches in width, the combined weight of which load, vehicle and
8 driver, shall be more than three thousand (3,000) pounds; or on any vehicle with
9 tires five inches or over in width, the combined weight of which load, includ-
10 ing vehicle and driver, shall be more than thirty-eight hundred (3,800) pounds.
11 Any person violating any provisions of this section shall, on conviction, be
12 fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for
13 each load so hauled, and any road commissioner or supervisor shall have po-
14 lice power to arrest any person seen violating this Act, and that on conviction
15 of the defendant in such case, there shall be assessed by the court trying the
16 same a fee of two dollars (\$2.00) in each case to be paid to the person making
17 such arrest.

Sec. 11. All Acts and parts of Acts conflicting with these Acts are
2 hereby repealed.

- 1 Introduced by Mr. Fulton, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act to amend section 2 of an Act entitled, "An Act to enable park commis-
sioners or park authorities to take, regulate, control and improve public streets
and to pay for the improvement thereof," approved June 21, 1895, in force July
1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 2 of an Act entitled, "An Act to en-
3 able park commissioners or park authorities to take, regulate, control and im-
4 prove public streets and to pay for the improvement thereof," approved June
5 21, 1895, in force July 1, 1895, be, and the same is, hereby amended to read as
6 follows:

7 *Sec. 2.* That such board of park commissioners or park authorities shall
8 have power to improve such street or streets, or parts thereof in such man-

9 ner as they may deem best and as they have or may hereafter have power to
10 improve other streets under their control, and for that purpose they are hereby
11 authorized to pay for the improvement thereof by levying, assessing and col-
12 lecting a special tax on contiguous property abutting on said street or streets
13 or parts thereof so improved, or a special assessment on property benefited, in
14 the manner in which said board of park commissioners or park authorities are
15 now or may be hereafter empowered by law to levy, assess and collect special
16 taxes on contiguous property or special assessments for benefits in other cases.
17 or to pay therefor by general taxation, or both, but no such special tax or spec-
18 ial assessment shall be levied for the maintenance and repair of such improved
19 street, but the same shall be maintained and repaired by said park boards or
20 park authorities as in other cases. And such special taxes or special assess-
21 ments as are hereby authorized may be divided into not exceeding *ten* annual
22 installments, bearing six per cent per annum interest from the date of con-
23 firmation thereof by the court until paid, and the same shall be collected and
24 enforced in the same manner as is or may hereafter be provided by law for
25 the collection and enforcement of other special taxes or special assessments for
26 or on account of said park commissioners or park authorities, so far as the
27 same is applicable.

- 1 Introduced by Mr. Fulton, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act to amend section 2 of an Act entitled “An Act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property,” approved and in force April 9, 1879; as amended by an Act approved June 16, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 2 of an Act entitled “An Act to enable
3 park commissioners or corporate authorities to take, regulate, control and im-
4 prove public streets leading to public parks; to pay for the improvement there-
5 of, and in that behalf to make and collect a special assessment, or special tax
6 on contiguous property.” approved and in force April 9, 1879, as amended by

7 an Act approved June 16, 1887, in force July 1, 1887, be, and the same is, here-
8 by amended to read as follows:

9 Sec. 2. That such park commissioners, or such corporate authorities as are
10 by law authorized to levy taxes or assessments for the maintenance of such
11 parks, shall have power to improve, maintain and repair such street or streets
12 in such manner as they may deem best, and for that purpose they are hereby
13 authorized to pay for the improvement thereof, and from time to time to levy,
14 or cause to be levied and collected, a special tax or assessment on contiguous
15 property abutting upon such street so improved for a sum of money not ex-
16 ceeding the estimated cost of such first improvement or improvements, as shall
17 be ordered and estimated by such board of park commissioners, but not for any
18 subsequent care, maintenance or repair thereof; and to that end such board or
19 corporate authorities shall have all the power and authority now or hereafter
20 granted to them respectively, relative to the levy, assessment and collection of
21 taxes, or assessment for corporate purposes; and such special tax or assess-
22 ments as are hereby authorized may be divided into not exceeding *ten* annual in-
23 stallments, bearing interest at the rate of six per cent per annum from the
24 date of confirmation until paid, and the assessment or installments thereof shall
25 be collected and enforced in the same manner as is provided by law for the col-
26 lection and enforcement of other taxes or assessments for, or on account of
27 such corporate bodies or boards. as aforesaid, so far as the same are applicable.

- 1 Introduced by Mr. Hope, March 17, 1909.
- 2 Read by title. ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation of the sum of five thousand dollars for the payment of the damages suffered by and as compensation for the injury to Frank Robert Giroux in favor of the father of said Giroux.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of five thousand dollars (\$5,000) is
3 hereby appropriated and directed to be paid from any funds not otherwise appro-
4 priated in the treasury of Illinois, for the payment of damages suffered by and
5 as compensation for the injury to Frank Robert Giroux, incurred at the insti-
6 tute for feeble minded at the city of Lincoln on December 23, 1907.
7 which said sum shall be paid by the Treasurer upon the warrant of the Auditor

8 of Public Accounts of Illinois to Ben. M. Giroux, father of said Frank Robert
9 Giroux.

Sec. 2. WHEREAS, an emergency exists, this Act shall be in force and take ef-
2 fect from and after its passage.

-
- 1 Introduced by Mr. Lederer, March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to prevent certain abuses of the telephone and to provide for the punishment therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That whoever shall call or cause to be called to any
3 telephone any person for the purpose of communicating a false message or in-
4 quiry to him with intent to deceive or maliciously annoy such person or anyone
5 to whom such message or inquiry may be directed, or whoever shall use any
6 obscene language in any telephonic conversation shall be deemed guilty of a
7 misdemeanor, and upon conviction thereof shall be fined not exceeding one
8 hundred dollars or imprisoned in the county jail not exceeding three months, or
9 both, in the discretion of the court.

-
- 1 Introduced by Mr. Lyon, by request, March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Roads and Bridges.

A BILL

For an Act regarding reinforced concrete bridges and providing for the filing of
drawings of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That whenever there shall be constructed upon any
3 public highway or street in any town, county, or city in this State, a bridge or
4 culvert, in which the distance between the abutments exceeds ten (10) feet,
5 made in part or whole, of concrete within which are imbedded metallic rods,
6 bars or other metallic shapes, there shall be filed with the county clerk of the
7 county within which such bridge is located (or, if between two counties, with the
8 clerk of each county), and also with the State Highway Commission, complete
9 drawings of such bridge, as herein provided.

10 The drawings shall give the name or location of the bridge, the township
11 or road district, and county in which the bridge is located. If the bridge is be-

12 tween two townships or counties, then, each township and county shall be indi-
13 cated on the drawings.

Sec. 2. The drawings shall show a general plan of the bridge, longitudinal
2 elevation and section, end elevation and section; such other drawings as may be
3 necessary to give complete information as to the dimensions and relative posi-
4 tions of all parts of the bridge, including both substructure and superstructure
5 in so far as they may be composed of concrete in which are imbedded metallic
6 parts; and shall also state the composition of the concrete used in various parts
7 of the bridge, giving the proportionate parts by volume of cement, sand, crushed
8 stone or gravel, and brands or brand of cement used. The drawing shall indicate
9 in distinct figures all dimensions of the bridge and its component parts, the exact
10 location of all metallic rods, bars or other forms of imbedded metal, and the size
11 and shape of the imbedded metal parts. The drawings shall be on paper
12 mounted on cloth, and may be copies by blue print or other copying process
13 that produces a clear, permanent and durable drawing; but, whatever the char-
14 acter of the drawing, it must be mounted on cloth.

Sec. 3. The drawings with the information as provided by this statute shall
2 be filed not later than ten (10) days after the bridge is opened for use by the
3 public. The drawings shall be filed by the public officials under whose charge
4 the bridge was ordered built and constructed, and these officials, together with
5 the contractor, if the bridge was built by contract, and the foreman in actual
6 charge of the work, shall each and every one make affidavit that the bridge as
7 actually built is in every particular as shown by the drawings. The affidavit
8 shall be filed with the drawings with the county clerk; and a copy of the affidavit
9 shall accompany the copy of the drawings sent to the State Highway Commis-
10 sion.

Sec. 4. The county clerk, when drawings are offered for filing under the provisions of this Act, shall enter on them the date of filing; but shall refuse to accept drawings unless they are accompanied by the affidavits as herein provided. The county clerk shall also forward the duplicate drawings to the State Highway Commission, and such duplicate copy must be provided at the same time the copy is offered for filing with the county clerk. The drawings on file with the county clerk or the State Highway Commission shall be open for inspection during the regular hours of business. The county clerk may charge a fee of one dollar (\$1.00) for filing these drawings, said fee to be paid by the county treasurer of said county.

Sec. 5. If, after filing the plans with the State Highway Commission, said commission shall decide that the drawings do not comply with all the provisions of this Act, notice of any difference shall be communicated within five (5) days after the receipt of the drawings by the State Highway Commission to the local officials in charge of the bridge in question, who shall cause to be added to the plans such additional information, or have other plans prepared, as the case may be, and re-filed, the proceeding to be the same as if no drawings had been placed on file.

Sec. 6. Failure on the part of the officials or contractor to comply with the provisions of this Act shall be deemed a misdemeanor, and, on conviction, subject each of them to a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00).

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- 1 Introduced by Mr. Lyons, by request, March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Roads and Bridges.

A BILL

For an Act to amend an Act entitled “An Act to regulate the construction of bridges and culverts,” approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled “An Act to regulate the construction of bridges and culverts,” approved April 21, 1899, in force July 1, 1899, be, and the same is hereby, amended so as to read as follows:

It shall be the duty of the proper authorities or officials of any town in counties under township organization, or road districts not under township organization, hereafter to construct all bridges or culverts in or upon the public roads in such towns or road districts in such a manner and with such allowable maximum stresses in the various parts of members of such bridges or culverts as will conserve and provide for the public safety in the use of such structures.

11 Sec. 2. It shall be the duty of the State Highway Commission to classify
12 bridges according to their purposes and location, specifying the loadings that
13 shall be provided for each class, and the maximum stresses to be allowed in a
14 material in a given portion of the bridge. And the classifications and speci-
15 cations so made by the State Highway Commission shall be *prima facie* evi-
16 dence that a bridge or culvert constructed in accordance therewith is safe for
17 public travel.

18 Sec. 3. After the publication of the allowable loadings for various classes
19 of bridges and maximum permissible stresses for various materials in different
20 portions of a bridge, no change therein shall be made by the State Highway Com-
21 mission except on the publication of a notice that a change will be made: Such
22 notice shall appear in at least three different issues of five newspapers published
23 in the State of Illinois, one of which shall be published in the city of Chicago,
24 and also published in at least two technical periodicals published in the United
25 States; and the date of last publication of such notice shall be at least six (6)
26 months prior to the enforcement of such change in the specifications for load-
27 ings and stresses.

28 Sec. 4. Any official who has charge of the letting or contracting for
29 bridges, or any contractor who erects a bridge, that is not in conformity with
30 the provisions of this Act and requirements thereunder of the State Highway
31 Commission, as set forth in printed form, shall be deemed guilty of a misde-
32 meanor and, on conviction, shall be fined not to exceed two hundred dollars
33 (\$200.00).

34 Sec. 5. In order to give sufficient time for the State Highway Commission
35 properly to consider and formulate such requirements as are provided for by
36 this Act, it shall not take effect until July 1, 1910.

- 1 Introduced by Mr. Lyon, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Warehouses.

A BILL

For an Act to amend section one (1) of "An Act regulating the receiving, transportation and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto," approved April 25, 1871, in force July 1, 1871; L. 1871, p. 636.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one of an Act entitled, "An Act regulating the receiving, transportation and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto," be and the same is hereby amended to read as follows:

Sec. 1. That every railroad corporation, chartered by or organized under the laws of this State, or doing business within the limits of the same, when desired by any person wishing to ship any grain over its road, shall receive and transport such grain in bulk within a reasonable time and load the same either

10 upon its tracks, at its depot, or in any warehouse adjoining its track or side
11 track, without distinction, discrimination or favor between one shipper and an-
12 other, and without distinction or discrimination as to the manner in which
13 such grain is offered to it for transportation, or as to the person, warehouse
14 or place to whom or to which it may be consigned.

15 And at the same time such grain is received by it for transportation such
16 corporation shall carefully and correctly weigh the same, and issue to the ship-
17 per thereof a receipt or bill of lading for such grain, in which shall be stated
18 the true and correct weight.

19 And said corporation shall weigh out and deliver to such shipper, his con-
20 signee or other person entitled to receive the same, at the place of delivery,
21 the full amount of such grain, without any deduction for leakage, shrinkage or
22 other loss in the quantity of the same.

23 In default of such delivery, the corporation so failing to deliver the full
24 amount of such grain shall pay to the person entitled thereto, *within thirty*
25 *(30) days from the delivery of said grain*, the full market value of any such
26 grain not delivered at the time and place when and where the same should
27 have been delivered.

28 If any such corporation shall, upon the receipt by it of any grain for
29 transportation, neglect or refuse to weigh and receipt for the same as afore-
30 said, the sworn statement of the shipper, or his agent, having personal knowl-
31 edge of the amount of grain so shipped, shall be taken as true, as to the
32 amount so shipped: and in (*815) case of the neglect or refusal of any such
33 corporation, upon the delivery by them of any grain, to weigh the same as
34 aforesaid, the sworn statement of the person to whom the same was delivered,
35 or his agent, having personal knowledge of the weight thereof, shall be taken
36 as true as to the amount delivered. And if, by such statements it shall appear
37 that such corporation has failed to deliver the amount as shown to be shipped,

38 such corporation shall be liable for the shortage, and shall pay to the person
39 entitled thereto *within thirty (30) days from the delivery of said grain*, the full
40 market value of such shortage, at the time and place, when and where the same
41 should have been delivered.

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- 1 Introduced by Mr. Naylor, March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to insure greater safety to the lives of the traveling public and limiting the hours of service of the employes of railroads in the State of Illinois and providing a penalty for a violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
1 *in the General Assembly:* That it shall be unlawful for any person, receiver,
2 or corporation operating a line of railroad situated in whole or in part in the
3 State of Illinois, or any officer, agent or representative of such person, receiver,
4 or corporation to permit, exact, demand, or require any engineer, fireman, con-
5 ductor, brakeman or flagman, switchman or other yard employe engaged in
6 the movement of passenger, freight or other trains, train dispatcher, telegraph
7 operator or agents acting as operators, to be or remain on duty for a longer
8 period than sixteen (16) consecutive hours, and whenever any such employe of
9

10 such person, receiver or corporation shall have been continuously on duty for six-
11 teen (16) hours he shall be relieved and not required or permitted again to go
12 on duty until he has had at least ten (10) consecutive hours off duty; and no
13 such employe who has been on duty sixteen (16) hours in the aggregate in
14 any twenty-four hour period shall be required or permitted to continue or
15 again go on duty without having had at least eight (8) consecutive hours off
16 duty: *Provided, however,* that this section shall not apply to work performed
17 in the protection of life or property in cases of accident, wreck, or other un-
18 avoidable casualty, or prevent train crews from taking a passenger train or
19 freight train loaded exclusively with live stock or perishable freight to the next
20 nearest division point upon such railroad: *And, provided, further,* that it shall
21 not apply to the time necessary for the trainmen to reach a resting place when
22 an accident, wreck, washout, snow blockade or other unavoidable casualty has
23 delayed their train: *And, provided, further,* that the provisions of this Act shall
24 not apply to relief or wreck trains while clearing obstructions to the main line
25 of any railroad.

Sec. 2. For any violation or failure to comply with the provisions of this
2 Act, such person, receiver, or corporation shall be liable to all persons and em-
3 ployes injured by reason thereof, and no employe shall in any case be held
4 to have assumed the risk incurred by reason of such violation or failure.

Sec. 3. Any such person, receiver, or corporation operating a line of rail-
2 road situated in whole or in part in the State of Illinois, or any officer, agent or
3 representative of such person, receiver, or corporation violating any of the pro-
4 visions of this Act shall be deemed guilty of a misdemeanor, and upon convic-
5 tion shall be punished by a fine of not less than one hundred (\$100) dollars
6 nor more than five hundred (\$500) dollars for each offense.

Sec. 4. It shall be the duty of the Board of Railroad and Warehouse Com-

2 missioners, upon complaint properly filed with it alleging a violation of this
3 Act, to make a full investigation thereof, and for such purpose it shall have the
4 power to administer oaths, interrogate witnesses, take testimony and require
5 the production of books and papers, and if such report shall show a violation of
6 the provisions of this Act, the commissioners shall, through the Attorney Gen-
7 eral, begin the prosecution of all parties against whom evidence of violation of
8 the provisions of this Act is found; but this Act shall not be construed to pre-
9 vent any other person from beginning prosecution for violation of the pro-
10 visions hereof.

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- 1 Introduced by H. A. Shephard, March 17, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act entitled, "An Act relating to the conduct of hotels, inns and public
lodging houses."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Every building or structure kept, used or maintained
3 as, or advertised as, or held out to the public to be, an inn, hotel or public
4 lodging house or place where sleeping accommodations are furnished for hire
5 to transient guests, whether with or without meals in which ten (10) or more
6 rooms are used for the accommodation of such guests, shall, for the purpose
7 of this Act, be defined to be a hotel; and wherever the word hotel shall occur
8 in this Act it shall be construed to mean every such structure as is described
9 in this section.

Sec. 2. Every hotel that is more than three stories high shall be provided
2 with a hall on each floor extending from one outside wall to the other, and at
3 each end of such hall shall be equipped with an iron fire escape on the out-
4 side of the building, connecting on each floor above the first with at least
5 two openings, which shall be fastened and secured, with landings not less than
6 six (6) feet in length and three (3) feet in width, guarded by an iron railing
7 not less than three (3) feet in height. Such landings shall be connected by iron
8 stairs not less than two feet wide and with steps of not less than six inches
9 tread, placed at an angle of not more than forty-five degrees and protected
10 by a well secured hand rail on both sides and reaching to within twelve feet
11 of the ground, with a drop ladder twelve inches wide reaching from the lower
12 platform to the ground. Such fire escapes shall be sufficient, if a perpendicular
13 iron ladder shall be used, instead of the stairs, provided such iron
14 ladder is placed at the extreme outside of the platforms and at least three
15 feet away from the wall of the building, and provided said ladder is equipped
16 with round iron rounds not more than fifteen inches apart. The way of
17 egress to such fire escapes shall at all times be kept free and clear of all
18 obstructions of any and every nature. Storm windows and storm doors shall
19 be considered an obstruction for the purpose of this Act, and such way of
20 egress shall at all times be kept unlocked. There shall be posted and main-
21 tained in a conspicuous place in each hall and in each guest's room, except
22 the halls and rooms on the ground floor of such hotel, a printed notice in char-
23 acters not less than two inches high, calling attention to and directing the way
24 to such fire escape.

Sec. 3. Each and every hotel shall be provided with at least one efficient
2 chemical fire extinguisher for every twenty-five hundred square feet or less
3 of floor area, which such extinguisher or extinguishers shall be placed in a
4 convenient location in a public hallway outside of the sleeping rooms and shall

5 always be in a condition for use; or, in lieu thereof, such hotels shall be
6 equipped with a one and one-fourth inch stand pipe with hose connection and
7 hose of sufficient length always attached in such hall way, which stand pipe
8 shall be supplied with a sufficient pressure of water.

Sec. 4. Every hotel which is not over three stories in height, and which
2 is not provided with such fire escape as is described in section two (2) hereof,
3 shall provide in every bed room or sleeping apartment on the second and third
4 floors a manila rope at least five-eighths of an inch in diameter and of suffi-
5 cient length to reach the ground, with knots or loops not more than fifteen
6 inches apart and of sufficient strength to sustain a weight and strain of at
7 least five hundred pounds. Such rope shall be securely fastened to the joists
8 or studding of the building, as near the windows as practicable, and shall be
9 kept coiled in plain sight at all times, nor shall such rope be covered by cur-
10 tains or other obstructions. Every such hotel shall provide and maintain in a
11 conspicuous place in every bed room or sleeping apartment above the ground
12 floor a printed notice, calling attention to such rope and giving direc-
13 tions for its use.

Sec. 5. Every hotel shall be well drained, constructed and plumbed ac-
2 cording to established sanitary principles; shall be kept clean and in a sanitary
3 condition and free from effluvia arising from any sewer, drain, privy or other
4 source within the control of the owner, manager, agent or other person in
5 charge; shall be provided with water closets or privies properly screened for
6 the separate use of males and females, which water closets or privies shall
7 be disinfected as often as may be necessary to keep them at all times in a san-
8 itary condition.

Sec. 6. All beds and bedding in such inns, hotels and public boarding
2 and lodging houses must be kept clean, properly aired, and all sheets or blan-

3 kets used in place thereof and pillow cases be changed after being used, and
4 not again used for other guests until they have been thoroughly washed and
5 dried. The upper sheet or blanket used in place thereof, on all beds in use,
6 shall be of sufficient width to correspond with the bed and shall not be less
7 than nine feet (9 ft.) in length, so as to fold over top of the quilts and cov-
8 ering of the bed in such manner as to protect the quilts and coverings from
9 coming in contact with the breath or saliva of the different guests. All tow-
10 els for the use of guests, whether in their private rooms or public wash rooms,
11 must be individual towels, and when used and discarded by the individual must
12 not again be used until thoroughly washed and dried.

Sec. 7. Every owner, manager, agent or person in charge of a hotel who
2 shall fail to comply with any of the provisions of this Act shall be deemed
3 guilty of a misdemeanor and shall be fined not less than ten (10) dollars nor
4 more than one hundred (100.00) dollars; and upon a second conviction, in
5 addition to said fine, shall be imprisoned in the county jail for not less than
6 ten days nor more than three months; and every day that such hotel is carried
7 on in violation of this Act shall constitute a separate offense.

Sec. 8. For the purpose of carrying into effect the provisions of this Act
2 the Governor, by and with the advice and consent of the Senate, shall appoint
3 an inspector of hotels, who shall hold office until the first Monday in January of
4 the odd numbered year next after his appointment and until his successor qual-
5 ifies; but the Governor may remove such inspector and appoint another in
6 his place whenever he shall deem it necessary for the public good. Said in-
7 spector shall receive an annual salary of two thousand (\$2,000.00) dollars, pay-
8 able monthly. He shall give bond to the State in the penal sum of five thou-
9 sand (\$5,000.00) dollars, conditioned for the faithful performance of his offi-
10 cial duties, to be approved by the Secretary of State.

Sec. 9. Said inspector shall, with the approval of the Governor, appoint
2 such deputies as may be required to carry out the provisions of this article,
3 not to exceed four in number. They shall give bond to the State in the sum of
4 of two thousand (\$2,000.00), with like conditions as to that of the inspector, to
5 be approved by the Secretary of State. They shall receive such compensation,
6 not to exceed one hundred (\$100.00) per month, as the inspector may pre-
7 scribe, providing that the pay of no deputy for any month shall exceed the
8 amount of fees collected and remitted by him during the preceding month.

Sec. 10. It shall be the duty of the inspector and his deputies to see that
2 all of the provisions of this Act are complied with. And said inspector or the
3 deputy for the district shall personally inspect once in each year every hotel
4 as defined by this Act. Said inspector and his deputies are hereby granted
5 police power to enter any hotel at reasonable hours to determine whether the
6 provisions of this Act are being complied with. The inspector shall keep a
7 complete set of books for public use and inspection, showing the conditions of
8 each hotel so inspected, together with same name or names of the owners, pro-
9 prietors and managers thereof, and showing its sanitary condition, the num-
10 ber and condition of its fire escapes and any other information for the better-
11 ment of the public service.

Sec. 11. If the inspector shall find after examination of any hotel that this
2 law has been fully complied with, and the inspection fee has been paid to the
3 inspector, he shall issue a certificate to that effect to the person operating the
4 same, and said certificate shall be kept posted in a conspicuous place in said
5 inspected building.

Sec. 12. Any inspector who shall wilfully certify falsely regarding any
2 building inspected by him, and who shall issue a certificate to any person oper-
3 ating any hotel when such person has not complied with the provisions of

4 this Act, shall, on conviction thereof, be fined not less than fifty (\$50.00) dol-
5 lars nor to exceed five hundred (\$500.00) dollars; and may be imprisoned not
6 to exceed one year in the State prison, or both, at the discretion of the court,
7 and upon conviction shall be forever disqualified to hold said office.

Sec. 13. Any owner, manager, agent or person in charge of a hotel who
2 shall obstruct or hinder an inspector in the discharge of his duties under this
3 Act, or who shall refuse or neglect to pay the fee for inspection prescribed
4 herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be
5 fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00)
6 dollars; and upon a second conviction, in addition to said fine, shall be impris-
7 oned in the county jail for not less than ten days nor more than three months.

Sec. 14. It shall be the duty of the inspector, upon ascertaining by in-
2 spection or otherwise, that after thirty days from the passage of this Act, any
3 hotel is being carried on contrary to its provisions, to make complaint and
4 cause the arrest of the person so violating same; and it shall be the duty of
5 the county attorney in such case to prepare all necessary papers and conduct
6 such prosecutions.

Sec. 15. Every hotel containing twenty (20) rooms or less for the ac-
2 commodation of the public, shall pay an inspection fee of five (\$5.00) dollars
3 per annum when inspected under the provisions of this Act; and every hotel
4 containing more than twenty (20) rooms, and less than forty rooms, for the
5 accommodation of the public shall pay an inspection fee of ten (\$10.00) dollars
6 per annum when inspected under the terms of this Act; and an additional fee
7 of \$5.00 for every twenty rooms in excess of forty. Such fees shall be col-
8 lected by the inspector upon the first inspection of each and every year at the
9 time of inspection; and if not paid on demand the inspector or deputy may
10 sue therefor in his own name for the use of the State; and in such case the

11 court shall allow and enter as a part of the judgment against the defendant
12 all the costs of such action, including a reasonable fee for any attorney neces-
13 sarily employed in such action by the inspector.

Sec. 16. At the end of each month the inspector shall pay into the State
2 treasury all moneys received by him as such, and file with the State Auditor
3 a verified statement of the amount and the sources thereof. Such moneys shall
4 be credited to the "hotel inspection fund." On or before the 10th day of each
5 month the inspector shall certify to the State Auditor the amount due to each
6 of his deputies as compensation and necessary traveling expenses for the pre-
7 ceding month; also the items and amounts of all expenses necessarily in-
8 curred by him, including the cost of blanks, stationery, postage and travel,
9 and such salaries and expenses, being duly audited, shall be paid by the State.
10 For the payment of salaries of the State Hotel Inspector and his deputies, for
11 necessary traveling expenses and for office stationery and supplies the sum of
12 ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary, is
13 hereby appropriated out of the hotel inspection fund herein provided for..

Sec. 17. All Acts and parts of Acts inconsistent herewith are hereby
2 repealed.

- 1 Introduced by Mr. White, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to require all fixed poles placed along railroads to be placed at least six feet from the rails of such railroads and providing a penalty for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any telegraph, tele-
3 phone, electric light or power company or corporation to place any telegraph,
4 telephone, electric light or other fixed pole or poles nearer than six feet to the
5 rails of any railroad operated in this State.

Sec. 2. It shall also be unlawful for any railroad company or corporation
2 to place or permit to be placed or permit to stand or remain along their railroad
3 any telegraph, telephone, electric light or other fixed pole or poles nearer than
4 six feet to the rails of such railroad.

Sec. 3. Any telegraph, telephone, electric light or power company or corporation or any railroad company or corporation operating or doing business in this State that violates the provisions of this Act shall, upon conviction, be fined in any sum not less than one hundred dollars (\$100) and not to exceed five hundred dollars (\$500). Each day any fixed pole or poles or any temporarily fixed pole or poles are left standing in violation of the provisions of this Act shall constitute a distinct and separate offense. A reasonable time, not to exceed twelve months, shall be allowed all companies and corporations to comply with the provisions of this Act.

- 1 Introduced by Mr. Zipf, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section one of an Act entitled "An Act to enable cities, towns and villages organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies, for the benefit of organized fire departments," in force July 1, 1895, as amended April 24, 1901, as amended May 12, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1) of an Act entitled "An Act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire departments," in force July 1, 1895, as amended April 24, 1901, as amended May 12, 1905, be and the same is hereby amended to read as follows:

8 Sec. 1. All corporations, companies and associations not incorporated under
9 the laws of this State, and which are engaged in any city, town or village, or-
10 ganized under any general or special law of this State, in effecting fire insurance,
11 shall pay to the treasurer of the city, town or village, a sum not exceeding two
12 (2) per cent of the gross receipts received by their agency in such city, town or
13 village; the amount so collected to be set apart and appropriated to the fund
14 for the pensioning of disabled and superannuated members of the fire depart-
15 ment and of the widows and orphans and dependent parents of deceased
16 members of the fire department, of cities, villages or incorporated towns
17 whose population exceeds fifty thousand (50,000) and having a paid fire de-
18 partment.

19 Cities, towns and villages are hereby empowered to prescribe by ordi-
20 nances the amount of tax or license fee to be fixed, not in excess of the above
21 rate, and at that rate such corporations, companies and associations shall pay
22 upon the amount of all premiums, which during the year ending on every first
23 day of July shall have been received for any insurance effected or agreed to
24 be effected in the city, town or village, by or with such corporation, companies
25 or association respectively.

26 Every person who shall act in any city, town or village as agent or other-
27 wise, for or on behalf of such corporation, company or association shall on or be-
28 fore the 15th day of July of each and every year, render to the city, town or
29 village clerk, a full, true and just account, verified by his oath, of all the prem-
30 iums which, during the year ending on every first day of July preceding such
31 report, shall have been received by him, or any other person for him in behalf
32 of any such corporation, company or association, and shall specify in said re-
33 port the amounts received for fire insurance.

34 Such agent shall also pay to the treasurer of any such city, town or village,
35 at the time of rendering the aforesaid report the amount of rates fixed by or-

36 dinance of the said cities, towns or villages, for which the companies, corpora-
37 tions or associations represented by them are severally chargeable by virtue of
38 this Act, and the ordinance passed in pursuance thereof.

39 If such account be not rendered on or before the day herein designated for
40 that purpose, or if the said rates shall remain unpaid after that date, it shall
41 be unlawful for any corporation, company or association so in default to transact
42 any business or insurance in any such city, town or village until the said requi-
43 sition shall have been fully complied with; but this provision shall not relieve
44 any company, corporation or association from the payment of any risk that
45 may be taken in violation hereof.

46 All Acts or parts of Acts in conflict with the provisions of this Act are
47 hereby expressly repealed.

- 1 Introduced by Mr. Zipf, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend sections two (2), three (3), four (4), six (6), seven (7), eight (8), ten (10), eleven (11), twelve (12) and sixteen (16) of "An Act to create a board of trustees of the firemen's pension fund; to provide and distribute such fund for the pensioning of disabled firemen, and the widows, minor children and dependent parents of deceased firemen; to authorize the retirement from service and pensioning of members of the fire department, and for other purposes connected therewith, in cities, villages or incorporated towns whose population exceeds five thousand inhabitants, having a paid fire department," approved May 13, 1887, in force July 1, 1887, as amended by an Act approved March 28, 1889, in force July 1, 1889, as amended by an Act approved June 1, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections two (2), three (3), four (4), six (6), seven (7), eight (8), ten (10), eleven (11), twelve (12) and sixteen (16) of "An

4 Act to create a board of trustees of the firemen's pension fund; to provide and
 5 distribute such fund for the pensioning of disabled firemen, and the widows,
 6 minor children and dependent parents of deceased firemen; to authorize the re-
 7 tirement from service and pensioning of members of the fire department, and
 8 for other purposes connected therewith, in cities, villages and incorporated
 9 towns, whose population exceeds five thousand inhabitants, having a paid fire
 10 department." approved May 13, 1887, in force July 1, 1887, as amended by an
 11 Act approved March 28, 1889, in force July 1, 1889, as amended by an Act ap-
 12 proved June 1, 1907, in force July 1, 1907, be amended so as to read as follows:

13 Sec. 2. A board composed of five members, residents of such city, village or
 14 incorporated town, to be chosen as hereinafter provided, shall be and consti-
 15 tute a board of trustees to manage, control and provide for the disbursement of
 16 such fund or funds and designate the beneficiaries thereof as herein provided.
 17 which board shall be known as "the board of trustees of the firemen's pension
 18 fund" of such city, village or incorporated town, constituted as follows: the
 19 treasurer of such city, village or incorporated town, one person to be appointed,
 20 by the mayor or president of the board of trustees of such city, village or in-
 21 corporated town, who, during his term of office, shall not hold any other elective
 22 or appointive office; such appointee shall hold office for a period of one year or
 23 until his successor is appointed and qualified; two active members of such fire
 24 department and one retired or pensioned member of same, to be elected as
 25 hereinafter provided, shall constitute the other members of said board.

26 The members to be chosen from the active members of the department shall
 27 be elected by ballot at an annual election, at which election, all active members
 28 of such fire department shall be entitled to vote.

29 The member to be elected from the body of the retired or pensioned mem-
 30 bers, under this Act, shall be elected by ballot at an annual election, at which
 31 election all retired or pensioned members and the widows of all deceased mem-

bers who are pensioners, shall be entitled to vote. In the event that there shall be no widow surviving, then, the guardian of any children of such deceased pensioner, where such children are also pensioners, may cast the vote to which such widow would have been entitled had she survived.

The elections in this section provided, shall be held annually, on the third Monday in April, under the Australian ballot system, at such place or places in such city, village or incorporated town, under such regulations as shall be prescribed by the treasurer of such city, village or incorporated town, and the member of such board to be appointed by the mayor, or president of the board of trustees of such city, village or incorporated town: *Provided, however,* that no person entitled to vote under the provisions of this Act, shall cast more than one vote at such election or elections.

In the event of the death, resignation or inability to act, of any elective member of such board, the successor of such member shall be elected at a special election, which may be called by the other members of such board, to be conducted in the same manner as the annual elections herein provided.

The board shall annually select from their members a president and a secretary.

No member of said board shall receive any compensation or emolument for any services performed as a member of said board.

Sec. 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this Act, and of all money donated, paid or assessed for the relief or pensioning of disabled, superannuated and retired members of the fire departments, their widows, minor children and dependent parents, and shall assess each member of the fire department, not to exceed two per centum of the salary of such member, and shall assess each pensioner or beneficiary of such fund, one per centum of the pension of said pensioner or beneficiary, to be deducted and withheld from the monthly pay of such member.

60 or monthly pension of such pensioner or beneficiary, so assessed, the same to
61 be placed by the treasurer of such city, village or incorporated town, who shall
62 be *ex officio* treasurer of such board, to the credit of such fund, subject to the or-
63 der of such board. The said board shall make all needful rules and regulations
64 for its government in the discharge of its duties, and shall hear and decide all
65 applications for relief or pensions under this Act, and its decisions on such ap-
66 plications shall be final and conclusive and not subject to review or reversal ex-
67 cept by the board.

68 The board shall cause to be kept a record of all its meetings and proceed-
69 ings, said record shall be a public record to which any citizen or taxpayer may
70 at all times have access.

71 Sec. 4. All rewards in money, fees, gifts and emoluments that may be paid or
72 given for, or on account of extraordinary services by said fire department, or any
73 member thereof, (except when allowed to be retained by said member, or given
74 to endow a medal or other permanent or competitive award), shall be paid into
75 said pension fund. The said board of trustees may take by gift, grant, devise or
76 bequest, any money, real estate, personal property, right of property or other
77 valuable thing, the annual income of which shall not exceed the sum of two hund-
78 red thousand dollars (\$200,000) in the whole; and such money, real estate, per-
79 sonal property or other valuable thing so obtained, also all fines and penalties im-
80 posed upon members of such fire department, shall in like manner be paid into said
81 pension fund and treated as a part thereof, for the uses of such pension fund:
82 *Provided*, that when the sum of five hundred thousand dollars (\$500,000) shall
83 be received and accumulated it shall be, together with all other sums in
84 excess of five hundred thousand dollars (\$500,000), when so received and ac-
85 cumulated retained as a permanent fund, and thereupon and thereafter the an-
86 nual income of such permanent fund may be made available for the uses and
87 purposes of such pension fund.

88 Sec. 6. The interest received from any such investment of said fund after
89 said fund shall have reached the sum of five hundred thousand dollars (\$500,
90 000), shall be applicable to the payment of pensions under this Act.

91 Sec. 7. If any member of the fire department of any such city, village or
92 incorporated town, shall, while in the performance of his duty, become and be
93 found, upon examination by a medical officer ordered by said board of trustees,
94 to be physically or mentally. permanently disabled, by reason of service in
95 such fire department so as to render necessary his discharge from service in said
96 fire department, said board of trustees shall retire such disabled member from
97 service in said fire department: *Provided*, no such retirement on account of dis-
98 ability shall occur unless said member has contracted said disability while in
99 the service of such fire department.

100 Upon such retirement the said board of trustees shall order the payment
101 to such disabled member of such fire department, monthly, from such pension
102 fund, a sum equal to one-half the monthly compensation allowed such member
103 as his salary at the date of his retirement: *Provided, however*, the sum thus
104 allowed shall not be less than sixty dollars (\$60.00) per month.

105 Sec. 8. If any member of such fire department shall, while in the service of
106 such fire department, be killed or die as the result of injuries received while in
107 such service, or of any disease contracted by reason of his occupation, or if
108 any member of such fire department shall, while in said service, die from any
109 cause while in said service, or during retirement or after retirement, after
110 twenty years' service as hereinafter provided, and shall leave a widow, minor
111 child or minor children under sixteen years of age, or dependent father or
112 mother surviving, said board of trustees shall direct the payment from said pen-
113 sion fund of the following sums monthly, to-wit: To such widow, while unmar-
114 ried, fifty dollars (\$50.00); to the guardian of such minor child or children,
115 eight dollars (\$8.00) for each of said children, until it or they reach the age

116 of sixteen years; to each dependent father and to each dependent mother, of
117 such fireman, twenty-five dollars (\$25.00) each: *Provided*, it shall be proven
118 that the deceased fireman, at the time of his death, was the sole and only sup-
119 port of such parent or parents.

120 Where the wife of such deceased fireman shall have died either prior or
121 subsequent to the death of such fireman, leaving a minor child or children, the
122 said board shall pay to the duly appointed guardian of such child or children, for
123 their support and maintenance, until it or they shall have reached the age of
124 sixteen years, to each, the sum of twenty-five dollars (\$25.00) per month:
125 *Provided, however*, that there shall not be paid to the family or dependents of
126 any deceased member, a total pension exceeding the sum of sixty dollars
127 (\$60.00) per month.

128 If at any time there shall not be sufficient money in such pension fund to pay
129 each person entitled to the full benefits thereof, the full amount per month, as
130 hereinbefore provided, then and in that event, an equal percentage of such
131 monthly payments shall be made to each beneficiary thereof, until the said fund
132 be replenished to warrant the payment in full to each of said beneficiaries.

133 Sec. 10. Any member of the fire department of any such city, village or in-
134 corporated town, after having served twenty years or more in such fire depart-
135 ment, of which the last two years shall be continuous, may make application
136 to be relieved from such fire department, or if he shall be discharged from
137 such fire department, the said board of trustees shall order and direct that said
138 person shall be paid a monthly pension equal to one-half the amount of salary
139 attached to the rank which he may have held in said fire department at the date
140 of his retirement or discharge: *Provided*, that the pension so ordered and di-
141 rected paid shall not be less than sixty dollars (\$60.00) per month, and the said
142 board upon the recommendation of the fire marshal or the chief officer of any fire
143 department, provided for in this Act, shall have the power to assign members

144 of the fire department retired or drawing pensions under this Act, to the per-
 145 formance of light duties in such fire department in case of extraordinary emer-
 146 gencies. After the decease of such member, his widow, minor child or children
 147 under sixteen years of age, his dependent parent or parents, if any surviving
 148 him, shall be entitled to the pension provided for in this Act, but nothing in this
 149 or any other section of this Act shall warrant the payment of any annuity to any
 150 widow of a deceased member of such fire department after she shall have re-
 151 married.

152 Sec. 11. This Act shall apply to all persons who are now or shall hereafter
 153 become members of such fire departments, including all persons who are now or
 154 shall hereafter be employed in any capacity in the fire alarm service and repair
 155 shops of such fire departments, and to all persons who are now beneficiaries of
 156 the firemen's pension fund, and all such persons shall be eligible to the benefits
 157 secured by this Act.

158 Sec. 12. The treasurer of the board shall be the custodian of said pension
 159 fund and shall secure and safely keep the same, subject to the control and di-
 160 rection of the board; and shall keep his books and accounts concerning said fund
 161 in such manner as may be prescribed by the board; and the said books and ac-
 162 counts shall always be subject to the inspection of the board or any member
 163 thereof.

164 The treasurer shall within ten days after his election or appointment, execute
 165 a bond to the city, village or incorporated town, with good and sufficient securi-
 166 ties, in such penal sum as the board shall direct, to be approved by the board,
 167 conditioned for the faithful performance of the duties of his office and that he
 168 will safely keep and well and truly account for all moneys, all interest thereon
 169 and all property which may come into his hands as such treasurer; and that on
 170 the expiration of his term of office he will surrender and deliver over to his suc-

cessor, all unexpended moneys, all interest thereon and all property which may have come to (into) his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, village or incorporated town, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of the city, village or incorporated town, for the use of said board, or of any person or persons injured by said breach.

Sec. 16. No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said fire department, or to the widow or guardian of such minor child or children, or to the dependent parent or parents, of a deceased or retired member of such fire department, be held, seized, taken, subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or any process or proceeding whatever, issued out of or by any court of this State for the payment or satisfaction in whole or in part, of any debt, damages, claim, demand or judgment against any member, or his said widow or the guardian of said minor child or children, dependent parent or parents, of any deceased member; but the said fund shall be sacredly kept, held secured and distributed for the purposes of pensioning the persons named in this Act: *Provided, however,* that said board shall be and are hereby empowered to expend and order the payment from such pension fund of such money as may be necessary in the judgment of said board for clerk and legal services and all other necessary expenses to carry out the provisions of this Act.

All Acts or parts of Acts in conflict with the provisions of this Act are hereby expressly repealed.

1 Introduced by Mr. Tippitt, March 17, 1909.

2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to provide for an appropriation of money to be used in the improvement
of the Little Wabash river and its tributaries.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* The sum of fifty thousand dollars (\$50,000) is here-
3 by appropriated out of any funds in the State treasury, not otherwise appro-
4 priated, to be expended under the direction of the commissioners of the State
5 Geological Survey, for the purpose of improving the Little Wabash river and
6 its tributaries by straightening, levying, widening or altering said river and its
7 tributaries in accordance with plans and specifications made under the joint di-
8 rection of the commissioners of the State Geological Survey and the Farm
9 Drainage Investigaion Division of the Department of Agriculture of the United
10 States government, the preliminary survey and investigation for which have
11 already been made.

Sec. 2. The money hereby appropriated shall be paid out of the State treasury on warrants drawn on the Treasurer and signed by the president and secretary of the commissioners of the State Geological Survey.

- 1 Introduced by Committee on Judiciary, March 17, 1909.
- 2 Read first time, ordered printed and to second reading.

A BILL

For an Act for the protection of innkeepers.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever the proprietor of any hotel in this
3 State shall provide in a convenient place in such hotel a safe or other reposi-
4 tory, constructed for the purpose of safe keeping money, jewelry and other
5 valuables of his guests, and shall inform his guests by posting notices in not
6 less than ten conspicuous places in such hotel that he will receive from his
7 guests their money, jewelry and other valuables for deposit in such safe or
8 repository for safe keeping, when requested by them so to do, and such guests
9 shall neglect or fail to deliver and turn over to said proprietor or to his clerk
10 in charge of such safe or repository such money or jewelry or other valuables

11 for safe keeping, such hotel proprietor shall not be liable for the loss of, nor in-
12 jury to, such money, or jewelry, or other valuables, unless such loss or injury shall
13 occur through the fault or negligence of said hotel proprietor, or by his serv-
14 ants or employes in said hotel; and said hotel proprietor shall in no event be
15 liable for the loss of, nor injury to, such money, or jewelry, or other valuables
16 so delivered to him or to his clerk in charge of said safe or repository. in an
17 amount exceeding the sum of \$250, except by special contract in writing between
18 said hotel proprietor and guest, unless such loss or injury shall occur through
19 the fault or negligence of the said hotel proprietor or through his servants or
20 employes in said hotel.

Sec. 2. Every hotel proprietor shall have a lien upon all the baggage and
2 effects brought into said hotel by his guests for any and all proper charges
3 due him from such guests for hotel accommodations, and said hotel proprietor
4 shall have the right to detain such baggage and effects until the amount of
5 such charges shall have been fully paid; and unless such charges shall have
6 been paid within sixty days from the time when the same accrued, said hotel
7 proprietor shall have the right to sell such baggage and effects at public auc-
8 tion, after giving ten days' notice of the time and place of such sale, by publi-
9 cation of such notice in a newspaper of general circulation in the county in
10 which said hotel is situated, and also by mailing, ten days before such sale,
11 a copy of such notice addressed to such guest at his postoffice address, if known
12 to said hotel proprietor, and if not known, then to his place of residence regis-
13 tered by said guest in the register of such hotel; and after satisfying such lien
14 out of the proceeds of such sale, together with any costs that may have been
15 incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall
16 within six months after such sale, on demand, be paid by said hotel proprietor
17 to such guest; and if not demanded within six months from the date of such

18 sale, such residue or remainder shall be deposited by such hotel proprietor
19 with the county treasurer of the county in which such hotel is situated, together
20 with a statement of such hotel proprietor's claim, the amount of costs incurred
21 in enforcing the same, a copy of the published notice, and the amount received
22 from the sale of said property so sold at said sale; and said residue shall, by
23 said county treasurer, be accredited to the general revenue fund of said county,
24 subject to the right of said guest or his representatives to reclaim the same
25 at any time within three years from and after the date of such deposit with
26 said county treasurer, and such sale shall be a perpetual bar to any action
27 against said hotel proprietor for the recovery of such baggage or property, or of
28 the value thereof, or for any damages growing out of the failure of such guest
29 to receive such baggage or property.

Sec. 3. It shall be the duty of a guest of any hotel in this State, upon de-
2 livering to the proprietor of such hotel, or to his servants, any baggage or other
3 article of property of such guest for safe keeping, elsewhere than to the room
4 assigned to such guest, to demand, and of such hotel proprietor to give, a
5 check or receipt therefor, to evidence the fact of such delivery; and no hotel
6 proprietor shall be liable for the loss of, or injury to, such baggage or other
7 article of property of his guest, unless the same shall have been actually de-
8 livered by such guest to such hotel proprietor, or to his servants for safe keep-
9 ing, and a check or receipt demanded therefor to evidence such delivery;
10 and in the event any such baggage so checked shall be lost or injured, said
11 hotel proprietor shall not be liable for such loss or injury in excess of the fol-
12 lowing amounts respectively:

13 *	Trunks and contents	\$150.00
14	Valises and traveling cases and contents	50.00
15	Boxes, parcels and packages and contents	10.00

16 All other miscellaneous effects, including wearing apparel
 17 and personal belongings 50.00
 18 unless such loss or injury shall have occurred through the negligence of such
 19 hotel proprietor, or by his servants or employes in such hotel.
 20 *Provided*, that before such guest shall deliver to such hotel proprietor, or
 21 his employes, any trunk, valise, traveling case, or other receptacle containing
 22 property or effects of special or unusual value for safe keeping or for any pur-
 23 pose, he shall notify such hotel proprietor to that effect, and acquaint such hotel
 24 proprietor with the approximate value thereof, and upon his failure so to do,
 25 such hotel proprietor shall not be liable to such guest for the loss of, or damage
 26 to, such contents of such trunk, valise, traveling case or receptacle.

Sec. 4. Whenever any person shall suffer his baggage or property to re-
 2 main in any hotel after leaving such hotel as a guest, and after the relation
 3 of innkeeper and guest between such guests and the proprietor of such hotel
 4 has ceased, or shall forward the same to such hotel before becoming a guest
 5 thereof, and the same shall be received into such hotel, such hotel proprietor,
 6 after the lapse of ten days, may, at his option, hold such baggage or property at
 7 the risk of such owner, or he shall have the right to deposit such baggage or
 8 property in a storage warehouse, in which event he shall take from the proprie-
 9 tor of such storage warehouse a receipt for the same, in the name of the owner
 10 thereof, and hold the same for such owner; and such hotel proprietor, after he
 11 shall have so deposited such baggage or property in such storage warehouse,
 12 shall not be responsible for the loss thereof to such owner, provided he shall de-
 13 liver to the owner of such baggage or property said storage warehouse receipt
 14 upon demand.

Sec. 5. That an Act entitled, "An Act for the protection of innkeepers,"
 2 approved February 22, 1861, and in force April 24, 1861, be and the same is
 3 hereby repealed.

- 1 Introduced by Mr. Troyer, March 17, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section one of an Act entitled "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole and to provide compensation for the officers of said system of parole," approved April 21, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section one (1) of an Act entitled "An Act to
3 revise the law in relation to the sentence and commitment of persons convicted
4 of crime and providing for a system of parole and to provide compensation
5 for the officers of said system of parole," approved April 21, 1899, in force
6 July 1, 1899, be amended to read as follows:

7 "That every male person over twenty-one (21) years of age and every fe-
8 male over eighteen (18) years of age, who shall be convicted of a felony or
9 other crime punishable by imprisonment in the penitentiary *shall have their*
10 *term of imprisonment fixed by the jury trying such person or by the court in*

11 case of a plea of guilty, which term of imprisonment shall not be less than the
12 minimum term nor more than the maximum term provided by law for the of-
13 fense of which said person shall be convicted; and such persons, except in capital
14 cases, shall be eligible to parole subject to the provisions of said Act as hereby
15 amended and shall be entitled to allowance for good time as now provided by
16 law."

- 1 Introduced by Mr. Hollenbeck, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act entitled, "An Act to provide for the safety of railway employes engaged in the repairing of railway engines, cars and rolling stock equipment."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* All switches leading directly to repair or side
3 tracks or to tracks especially or usually set aside for the repairing of engines,
4 cars or other rolling stock equipment of any steam or electric railway cor-
5 poration or company, shall be kept locked during the hours such workmen are
6 engaged in such repair work.

Sec. 2. No person, whomsoever, shall be allowed or permitted to remove
2 such lock, or render same inoperative, or unlock such safety lock at any time
3 while workmen are engaged in the performance of their usual labor, except
4 certain persons to be designated by the master mechanic, yard foreman, or some
5 one person in authority.

Sec. 3. Such designated person or persons may lawfully unlock such
2 safety lock only after carefully warning such workmen, and complying fully
3 with rules formulated by the railway company, for the safeguarding of the
4 workmen there engaged, which rules shall be in harmony with this Act.

Sec. 4. VIOLATING ACT—PENALTY.] Any person, company or corporation,
2 violating any of the provisions of this Act shall, on conviction thereof, be fined
3 in any sum, not less than ten dollars. (\$10.00) nor more than one hundred dol-
4 lars (\$100.00) for each offense. If any employe is injured or killed while in
5 the performance of his duties on any such repair or side track, through the
6 negligence of any railway company in failing to comply with this Act, such
7 failure on the part of such railway company shall be *prima facie* evidence of
8 the liability on the part of such railway company for such injury or death. in
9 any suit brought for damages for said injury or death resulting therefrom.

AMENDMENT TO

46th Assem.

HOUSE—No. 320

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 320 by striking out the last two words of line two of the printed bill and by striking out the first three words of line three of printed bill and by striking out the word “especially” in line three of printed bill and by inserting the word “tracks” after the word “or” in line three of the printed bill.

- 1 Introduced by Mr. Lyon, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to Amend an Act entitled, “An Act to regulate the manufacture, use and sale of cigarettes in the State of Illinois,” approved June 3, 1907, and in force July 1, 1907, by amending the title and section one of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, “An Act to regulate the manufacture, use and sale of cigarettes in the State of Illinois,” approved June 3, 1907, and in force July 1, 1907, be and is hereby amended so that the title thereof and section one of said Act shall read as follows:

The title of said Act shall read as follows:

An Act to prohibit the manufacture, sale, keeping for sale or giving away cigarettes, cigarette papers or wrappers, or other substitutes therefor; also to prohibit the using, smoking, keeping or being in possession of cigarettes, cigarette papers or wrappers or other substitutes by any minor under 18 years of age.

12 Sec. 2. That it shall be unlawful for any person, by himself, servant or
13 any agent, or as a servant or agent of any person or persons, directly or in-
14 directly or upon any pretence, artifice or device, to manufacture, sell, offer
15 for sale, keep for sale, furnish or give away, or keep to be furnished or given
16 away, or otherwise disposed of, or bring into this State for the purpose of
17 selling, offering for sale, or being kept for sale, or furnishing or giving away,
18 or otherwise disposing of, any cigarette, cigarette paper or wrappers, or any
19 substitute therefor, or own or keep, or be in any way concerned, engaged or em-
20 ployed in keeping or owning any such cigarette, cigarette paper or wrappers
21 or any substitute therefor, and any person who shall violate any of the pro-
22 visions hereof shall be deemed guilty of a misdemeanor, and upon conviction
23 thereof, shall be punished for the first offense by a fine of not less than fifty
24 dollars, nor more than one hundred dollars, and be imprisoned in the county
25 jail for a period of not less than one day nor more than thirty days, and for
26 a second or subsequent offense by a fine of not less than one hundred dollars and
27 not more than five hundred dollars, and by imprisonment in the county jail for a
28 period of not less than ten days nor more than six months: *Provided*, that the
29 provisions hereof shall not apply to the sale of jobbers and manufacturers, doing
30 an interstate business to customers outside of this State.

31 Sec. 3. Every person under the age of eighteen (18) years and over the
32 age of seven years, who shall smoke or use cigarettes on any public road,
33 street, alley or park or other lands used for public purposes, or in any public
34 place of business or amusement, shall be guilty of a misdemeanor and punished
35 for each offense by a fine of not more than ten dollars (\$10.00).

36 Sec. 4. That every person who shall furnish any cigarettes in any form
37 to any such person, or who shall permit any such person to frequent the prem-
38 ises owned by him for the purpose of indulging in the use of cigarettes, in any

39 form, shall be guilty of a misdemeanor and punished by a fine not exceeding
40 fifty dollars for the first offense, and not exceeding one hundred dollars for
41 the second and every additional offense, or imprisonment in the county jail
42 for a period not exceeding thirty days for each offense.

AMENDMENTS TO

46th Assem.

HOUSE—No. 321

April 1909

AMENDMENT NO. 1.

Amend House Bill No. 321 as follows: Amend the title of said bill to read as follows: "A Bill for an Act to prohibit the manufacture, sale, keeping for sale, or giving away cigarettes, cigarette papers or wrappers or other substitutes therefor, and providing a penalty for the violation thereof."

AMENDMENT NO. 2.

Amend by striking out after the enacting clause all of section 1 of said Act.

AMENDMENT NO. 3.

Amend by striking out in lines 19, 20 and 21 of section 2 of said Act the following: "Or own or keep, or be in any way concerned, engaged or employed in keeping or owning any such cigarette, cigarette paper or wrappers or any substitute therefor"; and by changing the number of said section from section 2 to read "section 1."

AMENDMENT NO. 4.

Amend by striking out sections 3 and 4 of said Act.

- 1 Introduced by Mr. Parker, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make appropriation for ordinary and other expenses of the Illinois

State Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the following amounts, or so much thereof as

3 may be necessary, be, and the same are hereby appropriated to the Illinois State

4 Penitentiary at Joliet, for the purposes hereinafter named and no other:

5 For ordinary expenses and for the expenses of the commissioners and

6 officers, for the year ending June 30, 1910..... \$265,000

7 For ordinary expenses and for the expenses of the commissioners and

8 officers for the year ending June 30, 1911 265,000

9 For meeting the expenses of maintaining and operating the parole sys-

10 tem, the sum of ten thousand per annm 20,000

11 For painting, relaying floors, renewing roofs and walls of buildings,
 12 renewing and rebuilding steam and water pipes, engines, boilers
 13 and machinery, and to make such other repairs and renewals as
 14 may be required to keep said prison plant in ordinary repair, the
 15 sum of \$12,500 per annum..... 25,000

16 The Auditor of Public Accounts is hereby authorized to draw his warrant
 17 upon the Treasurer of the State for the moneys hereinbefore appropriated,
 18 upon the order of the board of commissioners of said penitentiary, signed by
 19 the president and attested by the secretary, with the seal of the institution at-
 20 tached, and approved by the Governor.

1 Introduced by Mr. Perkins, March 18, 1909.

2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prohibit trade discrimination on petroleum and the products refined
and compounded therefrom.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That any person, firm, company, association or cor-
3 poration, foreign or domestic, doing business in the State of Illinois, and engaged
4 in the production, manufacture or distribution of petroleum or any of the pro-
5 ducts refined or compounded therefrom, that shall intentionally for the purpose
6 of destroying the business of a competitor in any locality and creating or main-
7 taining a monopoly, discriminate between different sections, communities or
8 cities of this State, by selling such commodity at a lower rate in one section,
9 community or city than is charged for such commodity in another section, com-
10 munity or city after equalizing the distance from the point of production, if a
11 raw product, or from the point of manufacture, if a manufactured product, the
12 actual cost of transportation, shall be deemed guilty of unfair discrimination.

Sec. 2. PENALTY.] Any person, firm, company, association or corporation,
 2 violating any of the provisions of the preceding section and any officer, agent,
 3 or receiver of any firm, company, association or corporation, or any member
 4 of the same, or any individual found guilty of a violation thereof, shall be
 5 fined not less than five hundred dollars (\$500) nor more than five thousand dol-
 6 lars (\$5,000), or be imprisoned in the county jail not to exceed one year, or
 7 suffer both penalties.

Sec. 3. CONTRACTS OR AGREEMENTS.] All contracts and agreements, made in
 2 violation of any provision of the two preceding sections, shall be void.

Sec. 4. ENFORCEMENT.] That it shall be the duty of the county attorneys,
 2 in their counties, and the Attorney General, to enforce the provisions of the
 3 preceding sections of this Act by appropriate actions in courts of competent
 4 jurisdiction.

Sec. 5. COMPLAINT.] That if complaint shall be made to the Secretary
 2 of State that any corporation authorized to do business in this State, if guilty
 3 of unfair discrimination, within the terms of this Act, it shall be the duty of
 4 Secretary of State to refer the matter to the Attorney General, who may, if
 5 the facts justify it in his judgment, institute proceedings in the court against
 6 such corporations.

Sec. 6. REVOCATION OF PERMIT.] That if any corporation, foreign or do-
 2 mestic, authorized to do business in this State, is found guilty of unfair dis-
 3 crimination, within the terms of this Act, it shall be the duty of the Secretary
 4 of State to immediately revoke the permit of such corporation to do business in
 5 this State.

Sec. 7. CORPORATION TO BE ENJOINED—WHEN.] If after revocation of its
 2 permit, such corporation or any other corporation not having a permit and
 3 found guilty of having violated any of the provisions of this Act, shall continue

4 or attempt to do business in this State, it shall be the duty of the Attorney
5 General, by proper suit in the name of the State of Illinois, to enjoin such cor-
6 poration from transacting all business of every kind and character in said State
7 of Illinois.

Sec. 8. CUMULATIVE REMEDIES.] That nothing in this Act shall be construed
2 as repealing any other Act or part of an Act, but the remedies herein provided
3 shall be cumulative to all other remedies provided by law.

- 1 Introduced by Mr. Poulton, March 18, 1909.
- 2 Read by title, ordered printed and ordered to lie on Speaker's table.

A BILL

For an Act providing for the sale to the Illinois Steel Company of the interest of the State of Illinois in certain lands.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the right, title and interest of the State of Illinois in and to the land now and heretofore submerged beneath the waters of Lake Michigan, and described as follows, be and the same are hereby granted, quit-claimed and conveyed to the Illinois Steel Company in fee, that is to say: Commencing at a point at the intersection of the south line of Seventy-ninth street extended, in the city of Chicago, with the present shore line of Lake Michigan, and running thence east along said south line of Seventy-ninth street extended to a point which is seventeen hundred ten (1710) feet east of the west line of section thirty-two (32), township thirty-eight (38) north,

11 range fifteen (15) east of the third principal meridian, and which point is ap-
12 proximately one thousand feet east of the present shore line of Lake Michigan;
13 running thence south sixty-one (61) degrees, thirty (30) minutes east, three
14 thousand ten (3010) feet; thence southerly to a point on the north line of the
15 Calumet river, which said point is four hundred fifteen (415) feet westerly
16 from the east end of the pier, or breakwater, constructed by the United States
17 government along the north line of the Calumet river; thence westerly along
18 said north line of the Calumet river to the original meander line of Lake
19 Michigan, according to the government survey; thence northerly along said
20 original meander line to the present shore line of Lake Michigan; thence
21 northerly along said present shore line of Lake Michigan to the place of begin-
22 ning; subject, however, to all rights and interests of the government of the
23 United States, and upon the condition that the said Illinois Steel Company
24 shall pay into the treasury of the State of Illinois, within sixty (60) days
25 from the passage of this Act the sum of thirty-seven thousand five hundred
26 dollars (\$37,500.00).

Sec. 2. Upon payment being made, as above provided, a patent shall be
2 issued under the Great Seal of State by the Governor and Secretary of State,
3 conveying said lands to the said Illinois Steel Company, in accordance with the
4 provisions of this Act.

1 Introduced by Mr. Price, March 18, 1909.

2 Read by title, ordered printed and referred to Committee on Soldiers' and
Sailors' Home and Soldiers' Orphans' Home.

A BILL

For an Act to exempt certain property of ex-soldiers of the Civil War and their
widows from taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That from and after the passage of this Act, it shall
3 be unlawful for any assessor or any of his deputies acting as such, within the
4 jurisdiction of said State, to assess any real estate owned, used, and occupied
5 as a home by any surviving soldier, sailor, or marine of the war of the rebellion,
6 who was honorably discharged from the service at any time between April 15,
7 1861, and January 1, 1866, or by his widow: *Provided*, that such home is not a
8 part of a farm, and in case it is, it shall then be the duty of such assessor or of
9 his deputies to deduct from the usual assessment the sum of \$1,000.00, as esti-
10 mated upon an actual cash value of said farm as a homestead deduction from
11 what would have been otherwise a full assessment of such farm property.

Sec. 2. It shall also be the duty of such assessor or assessors to omit for
2 assessment the personal property of such ex-soldiers or their widows to the
3 extent of \$500.00 worth, provided the same consists of household goods and
4 wearing apparel.

Sec. 3. An honorable discharge or in case of its loss or destruction, a certi-
2 ficate from the Adjutant General of any state showing service and such discharge
3 shall be deemed conclusive evidence of the facts therein stated, and all laws and
4 parts of laws in conflict with this Act, are hereby repealed.

- 1 Introduced by Mr. Scanlan, March 18, 1909.
- 2 Reay by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act to protect the public health by prohibiting the collection of second-hand bottles or jars, or the sale of goods in second-hand bottles or jars, and providing the punishment for the violation of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whoever gathers empty bottles or jars, except the same be broken immediately to cullet, or whoever bottles, sells, or offers for sale any goods or merchandise put up in bottles or jars that have been used as a package or cover for the same, or any kind of goods, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than five dollars (\$5.00) and not more than one hundred dollars (\$100.00) for the first offense, and for each subsequent offense shall, upon conviction thereof, be punished by a fine of not to exceed two hundred dollars (\$200.00) and by imprison-

ment in the county jail not to exceed six months: *Provided, however,* that the provisions of this Act shall not apply to any person, firm or corporation that refills bottles or jars originally made for its own use, if the bottles or jars are first thoroughly cleansed and sterilized and then refilled with the same kind of goods as were originally contained therein.

Sec. 2. It shall be the duty of the State Food Commissioner of the State of Illinois by and with the aid of his assistants and inspectors to enforce the provisions of this Act. And it is hereby made the duty of the State's attorney of each county in this State to prosecute all violations of this Act upon complaint of said State Food Commissioner, his assistants or inspectors, or any other person.

-
- 1 Introduced by Mr. Flannigen, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to authorize corporations organized to do the business of accident insurance on the assessment plan, to amend their certificates of incorporation so as to include among their corporate powers the authority to insure against disability resulting from sickness or disease and to provide a funeral benefit for their members.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any organization now existing or hereafter
3 organized for the purpose of transacting the business of accident insurance on
4 the assessment plan may amend its articles of incorporation so as to include
5 among its corporate powers the authority to insure against disability resulting
6 from sickness or disease, and to pay to the beneficiaries of its deceased members
7 a funeral benefit which shall not exceed one hundred dollars (\$100) in event of
8 death of any member, by filing with the Insurance Superintendent a declaration

9 of its desire to so amend its articles of incorporation, setting forth the proposed
10 change or amendment, signed and duly acknowledged by a majority of its trus-
11 tees, directors or managers. whereupon the Insurance Superintendent, if said
12 change or amendment be approved by him, shall file the same, together with his
13 certificate of approval, with the Secretary of State, who shall then issue to
14 said corporation a certificate of such change or amendment, under the seal of
15 the State of Illinois, and attach thereto copies of all papers so filed with him
16 by the Insurance Superintendent, and the same shall be recorded in the re-
17 corder's office of the county where the original certificate of incorporation was
18 recorded, and such certificate of incorporation shall thereupon be deemed so
19 changed and amended, and such corporation shall thereby be empowered to
20 insure against disability resulting from sickness or disease and to provide such
21 funeral benefit.

Sec. 2. Each corporation filing the declaration of desire to so amend its
2 articles of incorporation, as above, shall accompany the same with a fee of ten
3 dollars (\$10) to be paid to the Insurance Superintendent, and a fee of four dol-
4 lars (\$4) to be paid to the Secretary of State.

Sec. 3. This Act shall take effect and be in force from and after its passage.

44

- 1 Introduced by Mr. Flannigen, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to amend section 1 of article VII of an Act entitled “An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act approved May 11, 1901, in force July 1, 1901; as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of article VII of an Act entitled “An Act regulating the holding of elections and declaring the result thereof in cities, villages, and incorporated towns in this State,” approved June 19, 1885.

5 in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July
 6 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899;
 7 as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended
 8 by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act
 9 approved May 11, 1901, in force July 1, 1901; as amended by an Act approved
 10 May 25, 1907, in force July 1, 1907, be and the same is hereby amended so as to
 11 read as follows:

12 Sec. 1. Such election commissioners and the chief clerk of the board of elec-
 13 tion commissioners shall be paid by the county, and for the purpose of fixing
 14 their fees and compensation, the several counties of this State are divided into
 15 three (3) classes, as they are now classified by law as to fees and salaries. In
 16 counties of the first class said election commissioners shall receive a salary of
 17 five hundred (500) dollars, and said chief clerk a salary of four hundred (400)
 18 dollars per annum. In counties of the second class said election commissioners
 19 shall receive a salary of one thousand five hundred (1,500) dollars per annum,
 20 and such chief clerk shall receive a salary of two thousand five hundred (2,500)
 21 dollars per annum. In counties of the third class, to-wit: In Cook county, such
 22 election commissioners shall receive a salary of two thousand five hundred
 23 (2,500) dollars, and such chief clerk a salary of four thousand (4,000) dollars
 24 per annum, and also in counties of the third class, to-wit: Cook county, there
 25 may be employed one assistant chief clerk, who shall receive a salary of two thou-
 26 sand five hundred (2,500) dollars per annum, and also in counties of the second
 27 class, there may be employed one chief assistant clerk, who shall receive a sal-
 28 ary of one thousand five hundred (1,500) dollars per annum. All expenses in-
 29 curred by such board of election commissioners shall be paid by such city. Such
 30 salaries and expenditures are to be audited by the county judges, and such sal-
 31 aries shall be paid by the county treasurer, upon the warrant of such county judge,
 32 of any money in the county treasury not otherwise appropriated, and such ex-

33 penditures shall be paid by the city treasurer, upon the warrant of such county
34 judge, out of any money in the city treasury not otherwise appropriated. It
35 shall also be the duty of the governing authority of such counties and cities
36 respectively to make provision for the prompt payment of such salaries and
37 expenditures, as the case may be.

WHEREAS, an emergency exists, this Act shall be in force and take effect from
and after its passage.

- 1 Introduced by Mr. Pierson, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section eight as amended by an Act approved May 28, 1879, in force July 1, 1879, of article 11 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eight as amended by an Act approved May 28, 1879, in force July 1, 1879, of article 11, of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be amended to read as follows:

Sec. 8. In each village organized under this Act, *or by special Act or charter*, there shall be elected by the qualified electors therein six trustees, who shall hold their offices until their successors are elected and qualified. At the first

9 election held in any village organized under this Act and in any village hereto-
10 fore organized under any special Act or charter after this Act takes effect there
11 shall be elected the full number of trustees. At the first meeting of the presi-
12 dent and board of trustees after said first election, the trustees elected shall be
13 divided by lot into two classes; those of the first class shall continue in office
14 for one year, and those of the second for two years from the date of the an-
15 nual election for that municipal year, and annually thereafter there shall be
16 elected three trustees who shall hold their offices for the term of two years, and
17 until their successors are elected and qualified. Any village organized under
18 this Act shall from the time of the first election held by it be a body corporate
19 and politic by the name and style of "The Village of" and by
20 such name and style may sue and be sued, contract and be contracted with,
21 acquire and hold real and personal property necessary for corporate purposes,
22 adopt a common seal and alter the same at pleasure, and possess all other
23 powers as a corporation in this Act conferred upon cities not exceeding five
24 thousand inhabitants except as herein otherwise expressly provided. And
25 whenever the words "city council" or "mayor" occur in this Act, the same
26 shall be held to apply to the trustees and president of such village, so far as
27 the same may be applicable

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- 1 Introduced by Mr. Smejkal, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Canal, River Improvements and Commerce.

A BILL

For an Act to provide for the construction of a deep waterway in co-operation with the United States, and the development of the water power and other utilities incident thereto, by way of the Upper Illinois (including the Desplaines) river, between Lockport and Utica.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be constructed by way of the Upper Illinois (including the Desplaines) river, between the Lake Michigan level and the water power plant of the sanitary and ship canal of Chicago, in Lockport township, Will county, and Utica, LaSalle county, a deep waterway, including all appurtenant work, by the State of Illinois in co-operation with the United States and the control of said waterway when opened for navigation, shall vest in the United States as a part of a deep waterway from Lake Michigan to the

9 Gulf of Mexico; and that the State develop water power, dockage and other col-
10 lateral utilities in connection with such deep waterway, and forever own and
11 control the same. All costs incurred by the State shall be paid out of the proceeds
12 of State bonds, the earnings from the utilities created and other funds au-
13 thorized.

Sec. 2. That the plan for said deep waterway shall be in general conformity
2 to the project outlined by the Internal Improvement Commission in its report
3 submitted to the Forty-fifth General Assembly by the Governor, on April 10, 1907.
4 The ultimate depth shall be not less than twenty-four (24) feet, all structures
5 to be made to the ultimate depth at the outset, the locks to be five (5) in number
6 and not less than one hundred and eight (108) feet in width and nine hundred
7 and sixty (960) feet in effective length, swing bridges to be required not less
8 than four hundred (400) feet in length over all.

9 The channel of the Joliet level from and below the north limits of the city of
10 Joliet, shall be made at the outset to the ultimate depth and to a width of not
11 less than four hundred (400) feet between masonry dock walls, but the channel
12 in the three levels between Joliet and Utica shall have a preliminary depth of
13 not less than fourteen (14) feet on a bottom width of not less than two hundred
14 (200) feet.

Sec. 3. The construction, management and operation of the deep waterway
2 on the part of the State of Illinois, and of the collateral utilities, shall be in the
3 control of five (5) commissioners of special aptitude in such matters.

4 The members of the first commission shall hold office until July 1, 1915, and
5 their successors for terms of four (4) years each thereafter. Members shall
6 continue in office until their successors have qualified, and the unexpired term of
7 any vacancy shall be filled in the manner provided for original selections.

8 The commission may adopt a seal and authenticate its official acts by the
9 same. For all legal purposes the commissioners shall be deemed officers of the
10 State, and all deeds, contracts, writings and acts may be made and suits may
11 be prosecuted in the name of the Deep Waterway Commission of Illinois, but
12 they shall not be considered a distinct corporation.

13 Members shall qualify in the usual manner prescribed for State officers.

14 The members of the commission shall be entitled to receive a salary at the
15 rate of \$. per annum.

Sec. 4. The commission shall select one of its members as chairman and
2 as its executive officer, for a term of one (1) year, and fix the additional compen-
3 sation for his duties. The chairman shall preside at meetings and sign official
4 documents authorized by or emanating from the commission.

5 The commission shall appoint a secretary, a chief engineer, and such other
6 officers and agents as are necessary, to hold office at its pleasure, and prescribe
7 the duties and fix the compensation of all employes.

8 The commission shall make rules and regulations for the conduct of its
9 business, and members shall have due notice of all meetings. All acts involving
10 obligations and the expenditure or payment of moneys, shall have the affirma-
11 tive vote of a majority of the commission in regular session.

12 The secretary shall be the custodian of all official records, and shall keep
13 minutes of the meetings of the commission, and shall enter therein the votes of
14 the several members upon acts, ordinances or resolutions authorizing the mak-
15 ing of contracts or the appropriation or expenditure of moneys.

16 All contracts for work or materials shall contain full specifications and,
17 after due public advertisement for competitive bids, shall be awarded to the
18 lowest responsible bidder, or all bids rejected and work readvertised, in the
19 discretion of the commission, but the commission may carry on work by the di-
20 rect employment of labor and the purchase of material and appliances in the open

21 market, whenever in the opinion of four (4) members, the best interests of the
22 work will be served thereby.

Sec. 5. The attorney of the commission shall be appointed by the advice
2 and consent of the Attorney General and as his agent, but otherwise shall be re-
3 sponsible to the commission as in the case of other employees.

4 The accounts of the commission shall be paid on regular vouchers in the
5 usual manner, through the Auditor of Public Accounts, and agents of the Audi-
6 tor and of the Treasurer may be appointed when required to facilitate business,
7 in the manner above provided for the agent of the Attorney General. The
8 Treasurer may pay current liabilities out of any money in the treasury, and
9 shall issue from time to time and as shall be necessary, bonds to be known as
10 deep waterway bonds, to an aggregate amount not exceeding twenty million
11 (\$20,000,000) dollars, and from the proceeds thereof shall repay any advances,
12 pay interest on bonds, and other obligations incurred in carrying out the pro-
13 visions of this Act. Such bonds shall bear interest at a rate not greater than
14 four (4 per cent) per cent per annum and be sold at not less than par.

15 All revenues and moneys received by the commission shall be covered into
16 the treasury and held as a special account for the construction, maintenance
17 and operation of the works authorized by this Act and for the payment of in-
18 terest, and any surplus revenue may be applied to the redemption of bonds.

19 The commission shall confer with the several officials named in this section,
20 and determine the procedure in matters related to their respective departments.

Sec. 6. The Deep Waterway Commission is authorized and empowered to
2 secure all rights of way, easements, water and flowage rights, and other proper-
3 ties necessary or expedient in the complete development, ownership and control
4 of the deep waterway, the water power and other collateral utilities, and to per-
5 form all operations, employ all labor and service, and purchase all materials and

6 appliances necessary to the development, construction, maintenance and operation
7 of its works, subject to the limitations contained in this Act.

8 The commission shall, as soon as practicable, mature its plan of work and
9 program of operation, and shall confer with the proper authorities of the
10 United States and any agency authorized by Congress, in regard to a program
11 of co-operation and joint action, by which the United States shall undertake or
12 provide for those features which pertain most immediately to the easement for
13 navigation, as locks and swing bridges, and to the end that all work shall be in
14 harmony and of approved design and quality. In pursuance of such policy the
15 commission is authorized to cede to the United States such property, rights and
16 control as pertain properly to its paramount jurisdiction and duties in the inter-
17 ests of navigation.

18 In the consideration of all common purposes the United States engineer
19 officer immediately in charge of the Illinois division of the deep waterway may,
20 with the consent of the Secretary of War, be an *ex officio* member of the commis-
21 sion, and be allowed his incidental expenses, as in the case of other members of
22 the commission.

23 No work of actual construction shall be undertaken until a plan of co-opera-
24 tion has been agreed upon and authorized by the United States, without further
25 authority from the General Assembly, but the acquirement of necessary rights
26 and property shall not be delayed.

27 The commission shall so direct its operations as to secure the earliest prac-
28 ticable development of water power and the beginning of earnings therefrom, and
29 shall normally defer such features of its work as will not prejudice the work
30 as a whole and postpone its consummation. Any funds at its disposal not other-
31 wise required may be applied to a fuller development of the channel between
32 Joliet and Utica.

33 The commission may exercise police power within two miles of the waterway,
34 subject to municipal authority within corporate limits, for public safety and

35 health and protection of property, and organize all necessary agencies for such
36 purpose, and its police officers shall have the power vested by law in constables.

Sec. 7. When it shall be necessary to enter upon any public property or
2 property held for public use, the commission may do so and acquire the same in
3 the manner hereinafter provided for the taking of private property, and may
4 enter upon, use, widen, deepen and improve any navigable or other waters,
5 waterways, canal or lake; but the public use thereof shall not be unnecessarily
6 interrupted or interfered with.

7 When necessary private property may be taken or damaged and compensa-
8 tion rendered therefor, in the same manner, as nearly as may be, as is provided
9 for in an Act entitled, "An Act to provide for the exercise of the right of emi-
10 nent domain," approved April 10, 1872, and the amendments thereto. Proceed-
11 ings for the taking of property shall in all cases be instituted in the county in
12 which the property is situated.

13 Whenever in the opinion of four (4) commissioners, the acquirement of prop-
14 erty in the manner aforesaid shall unduly delay and greatly prejudice the work,
15 the commission may enter upon, take possession of and use lands, structures and
16 waters, the appropriation of which shall be necessary, and in the following manner:
17 An accurate survey and map of all such lands shall be made, upon which shall
18 be a certificate of the commission, that the lands therein described have been
19 appropriated for the use of the deep waterway. Such map, survey and certificate
20 shall be filed in the office of the commission, and a duplicate copy of so much
21 thereof as lies within any county certified to by such duplicate copy, shall also
22 be filed with the county clerk of such county. The commission shall cause to be
23 served upon the owner of any real property thus appropriated, a notice of
24 the filing and the date thereof, of the map, survey and certificate, and such notice
25 shall describe specifically that portion of such real property belonging to such
26 owner which has been taken. If after proper and reasonable effort such no-

27 tice can not be served upon the owner personally, within this State, then it may
 28 be served by filing the same with the clerk of the county in which the lands so
 29 appropriated are situated, and also mailing a copy thereof to the person last
 30 having paid taxes thereon. From the time of the service of such notice, the
 31 entry upon and appropriation by the State of the real property therein described
 32 shall be deemed complete, and such notice so served shall be conclusive evidence
 33 of such entry and appropriation of the quantity and boundaries of the lands ap-
 34 propriated. When such notice, together with an affidavit of the service thereof,
 35 is recorded in the county where the lands describe are situated, the same shall
 36 be evidence thereof. Otherwise, compensation shall be ascertained and rendered
 37 in the usual manner and as hereinbefore provided.

38 The commission may use its good offices and authority to facilitate the ap-
 39 propriation of property required in the operations and works of the United
 40 States in both the Upper and Lower Illinois rivers.

Sec. 8. Whenever works have been so far developed and provided for as to
 2 insure the delivery of water power at a time certain in the future, the commis-
 3 sion may invite proposals for the same, delivered at the switch-board, upon such
 4 terms as it may deem just and proper, and after due advertisement, and in its
 5 discretion, shall accept such proposal or proposals as shall best conform to public
 6 policy, be fully responsible, and yield the highest and most certain revenue.
 7 The intent is to give original lessees sufficient time to provide equipment and
 8 uses for such power when produced. Lessees purveying such power to cus-
 9 tomers shall be subject to reasonable maximum rates as provided for in public
 10 utility corporations. Uses for power adjacent to or near the deep waterway and
 11 for industrial purposes may be preferred.

12 No lease shall be for a period exceeding ten (10) years, but any lease may
 13 be renewed on proper revaluation thereof, or the equipment actually service-
 14 able and necessary in working any lease may be appraised and taken over in

15 a new lease, all in such manner and form as shall be determined by the commis-
 16 sion and covered in the lease. The commission may also lease lands, lots, docks,
 17 and any other property, in accordance with the general limitations governing
 18 water power leases. This section shall not be so construed as to prohibit the di-
 19 rect delivery of power in quantity to individual users or to municipal corpo-
 20 rations, if, in the opinion of four (4) members of the commission, the interests of
 21 the State will be promoted thereby. Such electric current as required to oper-
 22 ate and light the navigation works of the United States, shall be furnished free
 23 of charge. Right of way for lines for transmitting and distributing electric cur-
 24 rent, may be taken in the manner provided for the works of the commission.

Sec. 9. The Deep Waterway Commission shall succeed to all the powers and
 2 duties of the Canal Commissioners for the Illinois and Michigan Canal without
 3 other emoluments than herein provided. Said Illinois and Michigan Canal shall
 4 be merged in the deep waterway, whenever and in so far as the same shall be avail-
 5 able for navigation, until the said canal has been full merged in the completed
 6 waterway, and any property, rights or privileges in said canal or appurtenant
 7 thereto, not required for the deep waterway, and when no longer required for
 8 canal purposes as a connecting link, may be disposed of to the best advantage,
 9 and the proceeds therefrom covered into the deep waterway fund: *Provided*, that
 10 the summit level of said Illinois and Michigan Canal, or so much thereof as may
 11 be necessary, shall be retained and may be operated for such capacity as it may
 12 have as a carrier of water to the Illinois valley.

13 The Deep Waterway Commission shall succeed to all the powers and duties
 14 of the Internal Improvement Commission of Illinois.

15 The Deep Waterway Commission shall have jurisdiction over the navigable
 16 waters of the State of Illinois, similar to that of the Secretary of War over the
 17 navigable waters of the United States; and shall have particular jurisdiction over
 18 the entire waterway from Lake Michigan to the Mississippi river, and of all

19 navigable branches and connections thereof, and all structures in and across said
 20 waters shall be subject to its permit and approval, and shall be modified or re-
 21 moved whenever required in the interest of navigation, but any action taken by
 22 the commission shall recognize any paramount jurisdiction of the general gov-
 23 ernment.

24 Liabilities incurred in the performance of duties imposed by this section
 25 and not otherwise provided for, shall be paid from such appropriations as may
 26 be made therefor by the General Assembly.

Sec. 10. That the commission shall take or remove the dam across the Illi-
 2 nois river at Marseilles, LaSalle county, authorized by section 4 of an Act en-
 3 titled "An Act to incorporate the Marseilles Land and Water Power Com-
 4 pany," approved March 9, 1867, as amended by an Act approved March 27,
 5 1869, whenever the same shall be required.

6 Section 24 of "An Act to create sanitary districts," etc., in force July 1,
 7 1889, gives the general government full control over the sanitary and ship canal
 8 of Chicago for navigation purposes, whenever it shall improve the Desplaines
 9 and Illinois rivers for navigation, but imposes a condition in the following lan-
 10 guage. which is hereby stricken from section 23 of said Act: "and shall pro-
 11 vide for the payment of all damage which an extra flow above 300,000 cubic feet
 12 of water per minute from such channel may cause to private proeprty, so as to
 13 save harmless the said district from all liability therefrom." The commission
 14 shall urge upon the general government such channel development in the Lower
 15 Illinois river as will best contribute to the reclamation of the valley lands. The
 16 mitigation of liability for overflow and damage through the works of the State
 17 and of the United States, is a valuable consideration to the sanitary district of
 18 Chicago to be offset against any claim for property or rights that may be taken

19 below the Lake Michigan level and the water power station of its main channel
20 or outlet.

Sec. 11. The commission shall, on or before the first day of January in each
2 year, make a full report of all the business transacted by it for the year ending
3 on the preceding 30th day of November, including a statement of all expendi-
4 tures, contracts entered into, work done and obligations or contracts outstanding.

- 1 Introduced by Mr. F. W. Shepherd, by request, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act creating a county text book commission, providing for county uniformity and city adoptions, licensing school text book publishers, regulating prices of school text books, prohibiting changes of text books oftener than once in five years, providing for the sale of books to pupils at minimum cost, preventing loss to families that move, prohibiting combinations of publishers of school text books, and providing penalties for violations of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That a county school text book commission is here-
3 by created, which shall consist of the county superintendent of schools and
4 two teachers, one to be appointed by the State Superintendent of Public In-
5 struction and one by the judge of the county court, the appointments to be
6 made within thirty days of the taking effect of this Act, their successors to be
7 appointed in April, 1911, and every two years thereafter: *Provided*, that no

8 person shall be appointed to serve on the said commission who has been in the
 9 employ, as a traveling salesman or otherwise, in this State, of any publisher
 10 of school text books within the period of two years prior to this Act. Vacan-
 11 cies on the commission resulting from death, resignation, removal from the
 12 county, disqualification or otherwise, shall be filled as above provided. A ma-
 13 jority of the commission shall constitute a quorum for the transaction of all
 14 business of the commission.

Sec. 2. The county text book commission shall meet at the county seat, to
 2 organize, within sixty days from the date of the taking effect of this Act.
 3 The county superintendent shall be *ex officio* president of the commission and
 4 a secretary shall be elected from its own membership. Said commission shall
 5 meet annually thereafter, and special meetings may be called by the president,
 6 or on the written request of the other two members. The president shall pre-
 7 side at all meetings of the commission, and the secretary shall keep the rec-
 8 ords of the meetings, and all contracts shall be signed by both the president
 9 and secretary. Members of said commission that do not receive an annual
 10 salary from the county shall receive five dollars per day for their services,
 11 with such additional amount as shall be necessary to cover their actual travel-
 12 ing expenses: *Provided*, that they shall receive pay for not to exceed six days
 13 in any one year, the same to be paid by the county when approved by the
 14 county superintendent of schools.

Sec. 3. Said commission shall adopt from the authorized State list, as
 2 hereinafter provided, a uniform series of text books for use in the schools of
 3 all the districts of the county, except that in cities having more than one thou-
 4 sand children of school age, as shown by the last enumeration, and in towns
 5 having high schools fully accredited by the State University, the board of edu-
 6 cation or board of directors of said cities and said towns may select from the

7 aforesaid list such books as in their opinion are best suited to the local con-
8 ditions, and may contract for same.

Sec. 4. Before the publisher of any school text book shall offer the same
2 for sale by any county text book commission or board of education or board
3 of directors in the State of Illinois, said publisher shall file a copy of said text
4 book in the office of the State Superintendent of Public Instruction, with a
5 sworn statement of the list price and the lowest net price at which said book
6 is sold anywhere in the United States under like conditions of distribution. Said
7 publisher shall file with the State Superintendent of Public Instruction a writ-
8 ten agreement to furnish said book or books to the county text book commis-
9 sions or boards of education of the State of Illinois at the prices so filed. Said
10 publisher must further agree to reduce such prices in the State of Illinois, if
11 reductions are made elsewhere in the country, so that at no time may any book
12 be sold in the State of Illinois at a higher price than is received for the same
13 book elsewhere in the country, where like methods of distribution prevail. Said
14 publisher shall further agree that all books offered for sale in the State of Illi-
15 nois shall further be equal in quality to those deposited in the office of the
16 State Superintendent of Public Instruction as regards paper, binding, print,
17 illustration and all points that may affect the sale of said books.

Sec. 5. Before the publisher of any school text book shall offer the same for
2 sale to any county school text book commission or board of education or board of
3 directors in the State of Illinois, and at the time of the filing of such text book
4 in the office of State Superintendent of Public Instruction, said publisher shall
5 pay into the treasury of the State of Illinois a filing fee of ten dollars for each
6 book offered by said publisher. A series of books by the same author and upon
7 the same subject shall constitute one book for this purpose. The fees thus
8 received shall constitute a fund out of which, upon requisition made by the
9 State Superintendent of Public Instruction, shall be paid the expenses of pub-

10 lishing lists and other information for the use of the county school text book
11 commissions, clerk hire and other necessary expenses in connection with the
12 filing of all text books submitted for adoption in the State of Illinois. Any
13 balance remaining in such fund shall be, upon the first day of January of each
14 year, placed to the credit of the general revenue fund of the State.

Sec. 6. To insure compliance with the aforesaid conditions under which
2 school text books may be sold in the State of Illinois, said publisher shall file
3 with the State Superintendent of Public Instruction a bond of not less than
4 two thousand dollars, nor more than ten thousand dollars, said bond to be ap-
5 proved by the State Superintendent of Public Instruction and the amount to
6 be fixed by him. Upon compliance with this and the preceding section, said
7 publisher shall thereupon be licensed to sell school books in this State.

Sec. 7. If in any case said publisher shall furnish books inferior in any
2 particular to the samples on file with the State Superintendent of Public In-
3 struction, or shall require higher prices than those listed with the State Super-
4 intendent of Public Instruction, then it shall become the duty of the county
5 text book commission, or board of directors, to inform the State Superintend-
6 ent of Public Instruction of the failure of said publisher to comply with the
7 terms of his contract. The State Superintendent of Public Instruction shall
8 thereupon notify the publisher of said complaint, and if said publisher shall
9 disregard the notification and fail to immediately comply with the terms of
10 his contract, then the State Superintendent of Public Instruction shall institute
11 legal proceedings for the forfeiture of the bond of said publisher.

Sec. 8. During the month of June, 1909, and thereafter annually, during
2 the month of January, it shall be the duty of the State Superintendent of Pub-
3 lic Instruction to furnish each county superintendent of schools with a list of

4 publishers who have conformed to the requirements hereinbefore set forth re
5 lating to sample books, prices and bond.

Sec. 9. Before seeking to enter into contract with any county text book
2 commission or board of education or board of directors for the schools cov-
3 ered by this Act, the publisher shall furnish the county superintendent of
4 schools or secretary of the board of education or the board of directors with
5 a duplicate printed list of the books and prices filed with the State Superin-
6 tendent of Public Instruction. When any book or series of books in such list
7 shall have been adopted by the county commission or by any board of educa-
8 tion or board of directors in said county, it shall be the duty of said publisher
9 of said book or books to furnish each county superintendent with a sample
10 of the same, to remain in the office of said county superintendent, and to be
11 the property of said county.

Sec. 10. The county text book commissions are hereby empowered to
2 adopt text books for all subjects that may be taught in the public schools of
3 their respective counties, and to enter into contract for the same for a period
4 of five years in the manner hereinafter provided. All books adopted by the
5 county commissions shall be used exclusively in the schools of the county, ex-
6 cept in such towns and cities as are exempt in section 3 of this Act; and,
7 further, except that all books introduced into the public schools since May 1,
8 1907, through the action of the boards of education or boards of directors, may
9 be continued in use for a period of four years from the date of the introduc-
10 tion of said books: *Provided*, that the publishers of said books shall comply with
11 all the requirements of sections 4 and 5 of this Act prior to August 1, 1909.

Sec. 11. Said commissions shall make no changes until they shall have
2 advertised for bids for at least two successive weeks in one or more county
3 papers, and the adoption of such books shall not be made until the expiration

4 of at least fourteen days from the date at which such advertisement first ap-
 5 peared. Such advertisement shall specify subjects in which changes will be
 6 considered and the probable number of books of each kind required.

Sec. 12. In selecting books the text book commission shall carefully con-
 2 sider the price, character of the subject matter, binding, illustrations, print and
 3 paper, the adaptability to local conditions and all points that affect the value
 4 of the book.

Sec. 13. Each board of education or board of directors shall, at any regu-
 2 lar meeting, held between the first Monday in February and the first Monday
 3 in August, determine by a majority vote of all members elected the number
 4 of each of said books, adopted by the county text book commission, the schools
 5 under its charge shall require, and shall cause an order to be drawn for the
 6 amount in favor of the clerk of the board of education, payable out of the
 7 contingent fund; and said clerk shall at once order said books so agreed upon
 8 by the board of the publisher, and the publisher, on the receipt of such order
 9 shall ship such books to said clerk without delay, and the clerk shall forthwith
 10 examine such books, and if found right and in accordance with said order, re-
 11 mit the amount to said publisher, and the board of education shall pay all
 12 charges for the transportation of such books, out of the school contingent fund.
 13 Each board shall have power to, and shall make all necessary provisions and
 14 arrangements to place the books so purchased within easy reach of and ac-
 15 cessible to all the pupils in their district, and for that purpose may make
 16 such contracts and take such security as they may deem necessary, for the
 17 custody and care and sale of such books and accounting for the proceeds; but
 18 not to exceed ten per cent of the cost price shall be paid therefor, and
 19 said books shall be sold to pupils of school age in the district, at the price
 20 paid the publisher and not to exceed ten per cent therefore added, and the pro-
 21 ceeds of such sale shall be paid into the contingent fund of such district, and

22 whoever receives said books from the board of education for sale as afore-
 23 said to the pupils, and fails to account honestly and fully for the same, or for
 24 the proceeds to the board of education or the board of directors when re-
 25 quired, shall be guilty of embezzlement and punished accordingly: *Provided,*
 26 *however,* boards of education or boards of directors may contract with local
 27 retail dealers to furnish said books at prices above specified, the said board
 28 being still responsible to the publishers for all books purchased by the said board
 29 of education or board of directors. And when pupils remove from any district
 30 and have text books of the kind adopted in such district, and not being of the
 31 kind adopted in the district to which they remove, and wish to dispose of the
 32 same, the board of education of the district from which they remove, when re-
 33 quested, shall purchase the same at the fair value thereof, and resell the
 34 same as other books.

35 *Provided, however,* that it shall be unlawful for any person employed by
 36 any board of education or board of directors in the State to act as a sales agent,
 37 either directly or indirectly, for any person, firm or corporation, whose school
 38 text books are filed with the State Superintendent of Public Instruction, for use
 39 in the public schools of the State, as provided by law. Any violation of this
 40 provision shall work a forfeiture of their certificate to teach in the public
 41 schools of the State of Illinois.

Sec. 14. Any teacher or school officer who, after the county text book com-
 2 mission shall have adopted a list of text books for such county, shall sanction
 3 or permit the use of any book not adopted in accordance with the provisions
 4 of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be
 5 fined not less than twenty-five dollars nor more than one hundred dollars. If
 6 any county text book commission or board of education or board of directors
 7 shall attempt to change any text book before the expiration of a contract for
 8 the same made under this Act, any member of such commission or board who

9 votes for such unlawful change, shall be guilty of a misdemeanor, and, upon
10 conviction, shall be fined not less than twenty-five dollars nor more than one
11 hundred dollars. Any publisher or agent of said publisher, who shall connive
12 at or seek to procure such unlawful change shall be guilty of a misdemeanor,
13 and subject to a like penalty.

Sec. 15. Nothing in this Act shall be construed to prevent the use of such
2 supplementary books as shall be furnished at the expense of the school district,
3 provided such supplementary books shall not displace books regularly adopted
4 under the provisions of this Act.

Sec. 16. The boards of education or boards of directors of each school dis-
2 trict shall have authority to purchase all necessary books for indigent pupils
3 and pay for the same out of the contingent fund of the district.

Sec. 17. Boards of education or boards of directors of cities and towns
2 exempt from county uniformity under section 3 of this Act, who may not ac-
3 cept county uniformity, may adopt and contract for books from the State list
4 under the same restrictions and in the same general manner as herein pro-
5 vided for the adoption of books by the county text book commission.

Sec. 18. When any publisher of school text books shall file with the State
2 Superintendent of Public Instruction the samples and lists provided for in sec-
3 tion 4 of this Act, said publisher at the same time shall be required to file a
4 sworn statement that he has no understanding or agreement of any kind with
5 any other publisher, or interest in the business of any other publisher, with
6 the effect, design or intent to control the prices on such books or to restrict
7 competition in the adoption or sale thereof.

Sec. 19. Before being licensed to sell school text books in this State, the pub-
2 lisher thereof shall file with the State Superintendent of Public Instruction a

3 sworn statement, showing the ownership of such publishing house, with the in
 4 terest, names and addresses of such owners, and specifically stating whether
 5 or not the said publisher, or the owner of any interest or shares in any such
 6 publishing house, is the owner of any interest or shares in any other publish
 7 ing house, and if so, giving the name and address thereof.

Sec. 20. If at any time any publisher shall enter into any understanding,
 2 agreement or combination to control the prices or to restrict competition in
 3 the adoption or sale of school books, or if the statements required of said pub
 4 lisher by the two preceding sections shall be untrue in any respect, then the
 5 Attorney General shall institute and prosecute legal proceedings for the for
 6 feiture of the bond of said publisher and for the revocation of its authority to
 7 sell school books in this State; and all contracts made by said publisher under
 8 this Act shall thereupon become null and void at the option of the other parties
 9 thereto.

Sec. 21. Any publisher who shall sell, or offer for sale or adoption in this
 2 State, school text books of any kind without first obtaining license therefor
 3 under this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be
 4 fined not less than five hundred dollars and not more than five thousand dollars.

Sec. 22. Any member of any county text book commission who shall ac
 2 cept or receive any money, gift or any property or favor whatsoever, from any
 3 person, firm or corporation selling or offering for sale any text books, shall,
 4 upon conviction, be punished by a fine not exceeding one thousand dollars, or
 5 by imprisonment in the county jail for not more than six months, or by both fine
 6 and imprisonment.

Sec. 23. All Acts or parts of Acts in conflict with this Act are hereby
 2 repealed.

Sec. 24. As an emergency exists, therefore this Act shall take effect and
 2 be in force from and after its passage.

- 1 Introduced by Mr. Terrill, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the ordinary and other expense of continuing instruction and investigation in ceramics.

WHEREAS, The phenomenal increase in population of this country, together
2 with the rapid disappearance of our forests, makes it certain that we can not
3 longer rely on lumber as our main source of building material; and,

4 WHEREAS, Illinois abounds in clays suitable for the manufacture of a great
5 variety of structural materials; and,

6 WHEREAS, It is desirable that exhaustive studies of these clays and of simi-
7 lar substances be made, to the end that the greatest variety and highest possible
8 quality of the building materials or other clay products used in this State may
9 be provided from her own resources, and that young men be thoroughly trained
10 in the physics and chemistry of clays and in a knowledge of the changes they
11 undergo during the progress of manufacture, so that our factories may be con-

12 trolled by men trained to see opportunities and skillful enough to meet new
13 demands in structural materials; and,

14 WHEREAS, The work already accomplished by the Department of Ceramics
15 at the University of Illinois gives promise of its future usefulness along these
16 lines;

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* That the sum of twenty-five thousand (\$25,000)
3 dollars, or so much thereof as may be necessary, be and is hereby appropriated
4 for a building suitably arranged and equipped for work in ceramics.

5 That the sum of fifteen thousand (\$15,000) dollars per annum is hereby
6 appropriated for salaries, investigations, apparatus, and ordinary expenses of
7 the department.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant on the Treasurer for the sums hereby appropriated, upon the order
3 of the Board of Trustees of the University of Illinois, attested by its secretary
4 and with the corporate seal of the University.

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- 1 Introduced by Mr. White, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to prohibit or prevent railroad companies, corporations, parties, or any person or persons from entering the premises of any land owner for the purpose of surveying, laying out, staking off or choosing a route or right of way for a proposed railroad, or an extension of a railroad, and providing a penalty for a violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any company, corpo-
3 ration, person or persons to trespass or enter upon the premises of the land of a
4 land owner in this State for the purpose of surveying or staking off, or laying off,
5 or proposing to stake off, survey, or lay off a right of way for a proposed
6 railroad, or for the extension of a railroad, or for the improving of a railroad,
7 until such company, corporation, person or persons have received from the
8 owner of such land that he desires or wishes to enter upon, for such purposes

9 as specified above, in writing, a permit from the owner of such land or lands,
10 to enter upon the premises of such land or lands. Such permit shall specifically
11 state for what purpose the party, company, corporation, person or persons
12 desires to survey, stake off, lay off or look over such land or lands, and shall
13 state the name of the company, corporation, person or persons in full, for whom
14 the survey, stake-off or lay-off or observation is to be made.

Sec. 2. All right of eminent domain as heretofore exercised by such cor-
2 porations, companies, person or persons, or by railroads conflicting with the
3 provisions of this Act are hereby repealed.

Sec. 3. Any corporation, company, person or persons, or any railroad vio-
2 lating the provisions of this Act, shall, upon conviction, be fined in any sum
3 not less than five thousand dollars (\$5,000.00) nor more than twenty thousand
4 dollars (\$20,000.00), and it is hereby made the duty of the prosecuting attorney
5 of each county to enforce the provisions of this Act.

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- 1 Introduced by Mr. G. H. Wilson, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act prohibiting the sale, distribution or gift of malt, spirituous, vinous or intoxicating liquors near any soldiers' and sailors' home owned or maintained by the State of Illinois, and providing a penalty for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That on and after the first day of July, A. D. 1909,
3 it shall be unlawful to sell, distribute or give away any malt, spiritous, vinous
4 or intoxicating liquors within one-half mile of the boundary line or lines of
5 land owned or maintained by the State of Illinois as a soldiers' and sailors'
6 home in this State.

Sec. 2. Any shift or device to evade the provisions of this Act shall be
2 held to be a violation of this Act.

Sec. 3. Any person, by himself, agent or employe, violating the provisions
2 of the foregoing sections of this Act, shall, upon conviction for the first of

3 fense, be fined in any sum not less than \$25.00, nor exceeding \$100.00, and for
4 each subsequent offense be ~~fined~~ not less than \$50.00, nor more than \$200.00,
5 and shall be imprisoned in the county jail not less than ten days.

Sec. 4. Any fine or imprisonment mentioned in this Act may be enforced
2 by indictment or information in any court of record having criminal juris-
3 diction, or the fine mentioned in this Act may be sued for and recovered before
4 any justice of the peace in the ~~proper county~~, in the name of the People of the
5 State of Illinois, and in case of conviction the offenders shall stand committed
6 to the county jail, until the judgment and costs are fully paid or until dis-
7 charged by order of the court before which the conviction was obtained.

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- 1 Introduced by Mr. Reynolds, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend an Act entitled, “An Act to revise the law in relation to circuit courts and the superior court of Cook county,” approved February 16, 1874, in force July 1, 1874, by adding thereto a new section, to be known as section 22a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, “An Act to revise the law in relation to circuit courts and the superior court of Cook county,” approved February 16, 1874, in force July 1, 1874, be and the same is hereby amended by adding thereto a new section, to be known as section 22a, and to read as follows:

7 Sec. 22a. *Where a judge shall hold court or a branch thereof for another*
8 *judge out of his circuit or judicial district, upon request (except in cases of*

9 interchange with each other), the county board of the county in which he shall
10 so hold court shall cause such judge to be paid out of the county treasury his
11 actual expenses for and during the time he shall so hold the same.

- 1 Introduced by Mr. Carter, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend section 27 of chapter 122—schools, so as to give directors of all consolidated schools the authority to provide suitable and sufficient means of conveyance to carry the pupils to and from schools, as in their judgment shall seem necessary.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 27 of chapter 122—schools, be amended by the addition of the following paragraph:

Directors of all consolidated schools shall have authority to provide suitable and sufficient means of conveyance to carry the pupils to and from school, as in their judgment shall seem necessary.

Sec. 2. WHEREAS, An emergency exists, this Act shall be in force from and after its passage and approval.

- 1 Introduced by Mr. McLaughlin, March 18, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend sections 2, 3, 4, 6 and 7 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, village and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 2, 3, 4, 6 and 7 of an Act entitled, "An Act
3 to provide for the setting apart, formation and disbursement of a police pension
4 fund in cities, villages and incorporated towns," approved April 29, 1887, in force
5 July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899,
6 as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by

7 an Act approved and in force May 16, 1903, be amended so as to read as follows:

8 Sec. 2. A board composed of five members, residents of such city, village
9 or town, to be chosen as hereinafter provided, shall be and constitute a board
10 of trustees, to provide for the disbursement of said fund or funds and desig-
11 nate the beneficiaries thereof as herein directed, which board shall be known
12 as the board of trustees of the police pension fund of such city, village or
13 town. Three members of said board shall be residents of such city, village or
14 town, who shall not hold, during their term of membership on said board, any
15 appointive or elective political office or positions. They shall be appointed by
16 the mayor or the president of the board of trustees of such city, village or
17 town. One of said members shall serve for a period of one year, beginning
18 on the second Tuesday in May, 1903. One of said members shall serve for a
19 period of two years, beginning on the second Tuesday in May, 1903. The other
20 members shall serve for a period of three years, beginning on the second
21 Tuesday in May, 1903. The successors to any of the foregoing trustees shall
22 serve for a period of three years each, or until such time as their successors
23 are appointed and qualified. The two other persons who, with the members
24 above designated, shall constitute said board, shall be chosen from the active
25 members or employes of the police department entitled to the benefits of
26 this Act, and one from the body of pensioners under this Act, of such city, vil-
27 lage or town. The members to be chosen from the active members of the po-
28 lice department shall be elected by ballot at an annual election, at which elec-
29 tion all members of the police department entitled to the benefits of this Act
30 shall be entitled to vote. The members to be chosen from the body of pension-
31 ers under this Act shall be elected by ballot at an annual election, at which
32 election all retired members of the police department, who are pensioners un-
33 der this Act, and the widows of all deceased pensioners, who are pensioners
34 under this Act, shall be entitled to vote. In the event that there shall be no
35 widow surviving, then the guardian of any children of such deceased pen-

sioner, where such children are also pensioners, may cast the vote to which such widow would have been entitled had she survived. The election in this section provided for shall be held annually on the third Monday of April, under the Australian ballot system, at such place or places in such city, village or town, under such regulations as shall be prescribed by the three appointive members of said board: *Provided, however,* that no person entitled to vote under the provisions of this section shall cast more than one vote at any such election. In the event of the death, resignation or inability to act of any member of said board, elected under the provisions of this section, the successor of such member shall be elected at a special election, which shall be called by said board and shall be conducted in the same manner as are the annual elections hereunder. Suitable rooms for offices and meetings of such board shall be assigned by the mayor or president of the board of trustees of such city, village or town.

Sec. 3. The persons entitled to the benefits of this Act shall include all members of the regularly constituted police force of such city, village or town and also the following members of the police department thereof, namely, the secretary of the department of police, the secretary to the general superintendent of police, the chief clerk of the detective bureau, the custodian, the drill-master, the superintendent of horses, the superintendent of the bureau of identification, the chief clerk and clerks in the office of the secretary of the department of police, stenographers, chief operator, assistant chief operator, operators, matrons and such other members of said department as the city council or board of trustees of such city, village or town may from time to time by ordinance designate. Any person, holding any of the positions enumerated in this section of this Act at the time when this Act goes into effect, but who was not prior to the taking effect of this Act entitled to the benefits of the Act to which this Act is an amendment, shall upon the taking effect of this Act forthwith be-

64 come entitled to the benefits provided in the Act to which this Act is an amend-
65 ment and the period of service of such persons shall be taken to begin at the
66 date this Act goes into effect: *Provided, however,* that any such person may
67 upon paying into the fund the amount of one per cent (1 per cent) of the sal-
68 ary received during his period of service prior to the going into effect of this
69 Act, become entitled to all the benefits hereto from the date of the beginning
70 of such period of service: *Provided, further,* that such payment shall be made
71 within a period of six months from and after the time this Act goes into effect.
72 Whenever any person, entitled to the benefits of the provisions of this Act, at
73 the time of the taking effect of said Act to which this Act is an amendment or
74 thereafter, shall be duly appointed and sworn and have served for the period
75 of twenty (20) years or more in the department of police of such city, village
76 or town of this State, subject to the provisions of this Act, or where the com-
77 bined years of service of any person in the police department and the fire de-
78 partment as aforesaid of such city, village or town shall aggregate twenty (20)
79 years or more, said board shall order and direct that such person after becom-
80 ing fifty years of age and his service in such police department shall have
81 ceased and all persons entitled to and having a pension under said Act to
82 which this is an amendment after the taking effect of this Act shall be paid
83 from such fund a yearly pension equal to one-half the amount of salary at-
84 tached to the position which he may have held in said police department for one
85 year immediately prior to the time of such retirement: *Provided, however,* the
86 maximum of said pension shall not exceed the sum of \$900 and the minimum
87 be not less than \$6.00 per annum. And after the death of such person, his widow
88 or minor child or children under sixteen years of age, if any survive him, shall
89 be entitled to the pension, provided for in this Act, of such a deceased husband
90 or father; but nothing in this or any other section of this Act shall warrant
91 the payment of any annuity to any widow of a deceased member of said police
92 department after she shall have remarried: *And, Provided, further,* that all

93 police officers retired after twenty years' service in the police department of
 94 such city, village or town, and who are above the age of fifty years now on the
 95 police pension rolls shall receive the same pension now allowed them: *Pro-*
 96 *vided*, that in no case shall said pension exceed the sum of \$900.

97 Sec. 4. Whenever any person, entitled to the benefits of the provisions of
 98 this Act, while serving as a member of such police department, in any city, vil-
 99 lage or town, shall become physically disabled while in and in consequence of
 100 the performance of his duty as such member of such police department, said
 101 board shall upon his written request, or without such request, if it deem it for
 102 the good of said police department, retire such person from active service and
 103 order and direct that he be paid from said fund a yearly pension, not exceeding
 104 one-half the amount of the salary attached to the position which he may have
 105 held in said police department at the time of his retirement: *Provided*, that the
 106 maximum sum of such pension shall not exceed the sum of \$900 per year, and
 107 the minimum not less than \$600 per year: *Provided, further*, that whenever
 108 such disability shall cease such pension shall cease.

109 Sec. 6. Whenever any member of the police department of such city, vil-
 110 lage or town, entitled to the benefit of the provisions of this Act, shall lose his
 111 life, while in the performance of his duty, or receive injuries from which he
 112 shall thereafter die, leaving a widow, or child, or children under the age of six-
 113 teen years, then upon satisfactory proof of such facts made to it, such board
 114 shall order and direct that a yearly pension of one-half the salary received by
 115 said member, not to exceed \$900 and the minimum not less than \$600 per year,
 116 shall be paid to such widow during her life, or if no widow, then to such child
 117 or children until they shall be sixteen years of age: *Provided*, if such widow,
 118 child or children shall marry, then such person so marrying shall thereafter re-
 119 ceive no further pension from said fund: *And, Provided, further*, that when-

120 ever any member of the police department of such city, village or town, entitled
 121 to the benefit of the provisions of this Act, has been retired after twenty years'
 122 service, or physically disabled, shall then marry, such wife or child or children
 123 of such marriage shall, after his death, receive no pension from said fund.
 124 Whenever any member of the police department entitled to the benefit of the
 125 provisions of this Act, shall die after ten years' service therein and while still
 126 in the service of such city, village or town, as such member of such police de-
 127 partment, leaving a widow or child or children under the age of sixteen years.
 128 then upon satisfactory proof of such facts made to it, said board shall order
 129 and direct that a pension of one-half the salary, not exceeding the sum of \$900,
 130 shall be paid to such widow, or if there be no widow, then to such child or child-
 131 ren until they shall be sixteen years of age, said pension to cease upon marriage,
 132 as provided above.

133 Sec. 7. Any person retired for disability under this Act, may be summoned
 134 to appear before the board herein provided for, at any time thereafter, and
 135 shall submit himself thereto for examination as to his fitness for duty, and
 136 shall abide the decision and order of such board with reference thereto. And all
 137 members of the police department who may be retired under the provisions of
 138 this Act, except those who voluntarily retire after twenty years' service, shall
 139 report to the chief of police of the city, village or town where so retired, on
 140 the second Tuesday of each and every month, and in cases of emergency may
 141 be assigned to, and shall perform such duty as said chief of police may direct,
 142 and such persons shall have no claim against the city, village or town for pay-
 143 ment for such duty so performed.

- 1 Introduced by Mr. Cermak, March 18, 1909.
- 2 Read by title, ordered printed and to Speaker's table.

A BILL

For an Act to amend section 1 of "An Act to restrict the powers of counties, cities, towns and villages in licensing dram shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts." approved June 15, 1883, in force July 1, 1883, by adding thereto section 1a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of "An Act to restrict the powers of counties, cities, towns and villages in licensing dram shops, to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts," approved June 15, 1883, in force July 1, 1883, be and the same is hereby amended by adding thereto section 1a, to read as follows:

Sec 1a. The city council in cities, the board of trustees in towns and the president and board of trustees in villages, may grant special permits to bona

10 fide athletic, charitable, educational, fraternal, musical and social associations,
11 corporations and societies for the sale of liquors at social gatherings or enter-
12 tainments conducted or held by them, under such restrictions and regulations as
13 may be provided by ordinance, anything contained in section 1 to the contrary
14 notwithstanding.

- 1 Introduced by Mr. Cermak, March 18, 1909.
- 2 Read by title, ordered printed and ordered to Speaker's Table.

A BILL

For an Act to amend sections 259, 260, 261 and 262 of Division I of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, by adding thereto a section to be known as section 262a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 259, 260, 261 and 262 of Division I of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be and the same are hereby amended by adding thereto a section to be known as section 262a, to read as follows:

7 Sec. 262a. Nothing contained in sections 259, 260, 261 and 262 shall be
8 construed to apply to incorporated cities, towns and villages, but the municipal

9 authorities of any incorporated city, town or village may regulate the observ-
10 ance of the first day of the week, commonly called Sunday, by ordinance, any-
11 thing contained in said sections to the contrary notwithstanding.

- 1 Introduced by Committee on Judiciary, March 18, 1909.
- 2 Read first time, ordered printed and to second reading.

A BILL

For an Act to amend section one of an Act entitled, "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899, as amended by an Act approved May 10, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1) of an Act entitled, "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole and to provide compensation for the officers of said system of parole," approved April 21, 1899, in force July 1, 1899, as amended by an Act approved May 10, 1901, in force July 1, 1901, be amended to read as follows:

"That every male person over twenty-one (21) years of age and every female person over eighteen (18) years of age, who shall be convicted

10 of a felony or other crime punishable by imprisonment in the penitentiary,
11 shall have his or her maximum term of imprisonment in the penitentiary fixed
12 by the jury trying such person or by the court, in case of a plea of guilty,
13 which term of imprisonment shall not be less than the minimum term nor more
14 than the maximum term provided by law for the offence for which the person
15 shall be convicted; and such persons, except in cases of treason, murder, rape
16 and kidnapping, shall be eligible to parole, subject to the provisions of this
17 Act as hereby amended and shall be entitled to allowance for good time as
18 now provided by law."

-
- 1 Introduced by Mr. Church, March 18, 1909.
 - 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to provide for the examination and licensing of surveyors and regu-
lating the practicing of surveying.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Governor of this State shall by and with the
3 advice and consent of the Senate appoint one member of the faculty of the
4 University of Illinois and four surveyors, who shall have been practicing as
5 such in the State during the past ten years, who altogether shall be known as
6 the State Board of Examiners of Surveyors.

Sec. 2. The examiners shall hold office from their appointment respect-
2 ively for one, two, three, four and five years, as the Governor shall appoint.
3 from the last Monday in September next after the passage of this Act, and
4 until their successors shall be appointed and qualified. They shall be *ipso*

5 *facto* licensed surveyors and may, as a board, issue licenses to themselves in-
6 dividually as such, as hereinafter provided for issuing licenses to candidates.

Sec. 3. Before the last Monday in September in each year thereafter, the
2 Governor shall appoint a successor to the member whose term of office is to
3 expire that year. One examiner shall be a member of said faculty, and the
4 other four shall be surveyors holding licenses under this Act. Examiners so
5 appointed shall hold office for five years or until their successors are qualified.
6 They shall take and subscribe to the Constitutional oath or affirmation of
7 office.

Sec. 4. Whenever any examiner shall neglect to perform the duties of his
2 office, the Governor may, at the request of a majority of the other examiners,
3 and on due evidence, declare the office of such examiner vacant, and shall ap-
4 point his successor. All vacancies from any cause shall be filled by appoint-
5 ment of the Governor for the remainder of the term.

Sec. 5. The board shall elect one of their number as president, and shall
2 elect one of their number as secretary, who shall also be the treasurer of said
3 board. The board shall adopt rules of procedure, and shall meet each year,
4 once in the Capitol of the State and once in Chicago, for the purpose of con-
5 ducting examinations and transacting other business as may properly come
6 before it, and as often as may be found necessary at any railroad center with-
7 in the State. Examinations shall be held on the second Tuesdays of October
8 and April in each year, and at such other times and places as the board may
9 determine. Any candidate wishing to take such examination must file his ap-
10 plication with the secretary thirty days before the date of such examination..

Sec. 6. The secretary-treasurer, before entering on the duties of his of-
2 fice, shall file with the Secretary of State a bond for the proper performance

3 of his duties in such sum and with such sureties as the board may fix with the
4 approval of the Governor of the State.

Sec. 7. The board shall adopt and procure a seal impressing the words,
2 "Illinois State Board of Examiners of Surveyors," and any device they may
3 select. The seal shall be in the custody of the secretary and used only by him
4 or under his direction.

Sec. 8. Out of the funds in its treasury the board shall first pay the cur-
2 rent expenses of carrying out the provisions of this Act, and out of any re-
3 maining funds may pay to each member ten dollars per day for the time neces-
4 sarily employed in the business of the board, and in travel to and from its
5 meetings and the expense of such travel and attendance.

Sec. 9. Any reputable citizen of the United States of lawful age may,
2 upon payment of ten dollars into the treasury of the board, present himself
3 for examination as a candidate for a license.

4 On being satisfied that he possesses qualifications hereinbefore stated, the
5 board shall examine him as to his knowledge of the Statutes of the United
6 States of the State of Illinois relating to the surveying and subdivision of
7 lands, practical surveying, the use and adjustment of surveying instruments,
8 and of mathematics as applied to land surveying.

Sec. 10. To each candidate who shall have passed the prescribed examina-
2 tion, the secretary shall issue a license, stating the name and residence of the
3 surveyor, and the date of issue, duly signed and attested under the seal of
4 the board, on payment by the surveyor of the further fee of \$15.00 into the
5 treasury. Any candidate who shall fail to pass a satisfactory examination
6 shall be entitled to a second examination without further charge, not less than
7 three months nor more than twelve months thereafter.

Sec. 11. Any candidate who shall file his written application for a license
 2 within six months after the taking effect of this Act, and shall prove to the
 3 satisfaction of the board that he has been actively engaged as a surveyor, as
 4 defined by this Act, for a period of not less than five years, shall be entitled
 5 to a license without further examination on payment of the fee of fifteen dollars.

Sec. 12. After each meeting at which licenses have been granted the board
 2 shall, through its secretary, file with the Secretary of State a report of the
 3 name and address of each person licensed at that meeting, with the date of
 4 the license. And annually the board shall make full report to the Governor of
 5 its proceedings and of the money received and disbursed by it during the year.

Sec. 13. The Secretary of State shall, upon being notified by the board of
 2 the licensing of any surveyor, notify the county clerk of each county in the
 3 State of the issuance of such license.

Sec. 14. On or before the first day of July of the year succeeding that in
 2 which his license was issued, and on or before the first day of July annually
 3 thereafter, each licensed surveyor shall pay into the treasury of the board five
 4 dollars as an annual fee. Should any licensed surveyor fail to pay his annual
 5 fee on or before the first day of October of each year, the board shall, after
 6 written notice to the delinquent, declare his license forfeited. Where such for-
 7 feiture has occurred the license shall be restored by said board upon the pay-
 8 ment of an additional fee of ten dollars, and the secretary of the board shall
 9 give notice of such restoration to the Secretary of State.

Sec. 15. Any license granted under this Act may be revoked by the board
 2 for gross incompetence or carelessness, or dishonest practice, the accused hav-
 3 ing twenty days' notice of the charges against him, the name of the person
 4 bringing them, and of the time and place set for hearing them. For such hear-
 5 ing the board shall have the power of a court of record, sitting in the county

6 where such hearing is held, and shall have the power to issue subpoenas and
 7 compel the attendance and testimony of witnesses. Witnesses shall be en-
 8 titled to the same fees as in courts of record, and the said fees shall be taxed
 9 and collected as in said courts. The accused shall have the subpoena of the
 10 board for his witnesses and shall be heard in his defense in person or by
 11 counsel in public trial. In case of revocation of license by the board the party
 12 whose license is revoked shall have the right of appeal to the courts. On re-
 13 vocation or forfeiture of a license the secretary of the board shall give written
 14 notice thereof to the Secretary of State, who shall notify the county clerk of
 15 each county of such revocation or forfeiture, and such fact shall be entered by
 16 said county clerk upon the record of licensed surveyors, which each county
 17 clerk shall keep.

Sec. 16. The secretary of the board shall furnish to any applicant on
 2 payment of fifty cents a certificate under seal of the board in regard to any
 3 required license, stating the name and address of the person licensed, and the
 4 date of issue, and whether the same is still in force; and if not in force, the
 5 date of its revocation or forfeiture for the reason therefor.

Sec. 17. Each surveyor licensed hereunder shall procure a seal impress-
 2 ing his name and the date of his license and the words "Illinois Licensed
 3 Surveyor." Every document issued officially by him as such surveyor shall be
 4 stamped with his seal.

Sec. 18. Any licensed surveyor may administer to any assistant employed
 2 with or by him on any survey the oath or affirmation for the proper perform-
 3 ance of his duty. He may take the evidence under oath or affirmation of wit-
 4 nesses whose evidence may be useful in establishing any part of a survey. He
 5 may take and attest by his seal acknowledge of plats and other documents re-
 6 lating to real estate, in the manner provided for notaries public.

Sec. 19. All surveys and proceedings of said surveyor licensed under this Act shall be held to be *prima facie* correct, subject always to review by the courts. All plats and certificates given under his hand and seal shall be received in evidence in all courts in this State and shall be entitled to be recorded in the county wherein the land affected thereby lies, subject always to the approval thereof by persons designated by law to examine and approve plats.

Sec. 20. Each county clerk shall keep in a proper book a list of all licenses recorded to him by the Secretary of State, with the name and address of the surveyor, with the date of its filing.

Sec. 21. After a period of six months from the time this Act shall take effect any person other than a licensed surveyor or a person employed by and acting for the United States government, who shall practice the profession of a surveyor, or who shall, by any sign, printed matter or otherwise, represent himself as a surveyor in this State, shall be deemed guilty of a misdemeanor. No plat or certificate made by such person shall be recorded in the office of any county or other public officer.

Sec. 22. For the purpose of this Act a surveyor is understood to be a person who for a consideration uses surveying or measuring instruments for the purpose of locating or establishing one or more corners or boundaries of any tract, lot or parcel of land, or any person locating public improvements, the position of which depends upon the location of such corners or boundaries.

Any licensed surveyor, while in the performance of his duty, together with his assistants, shall have the right to enter or cross any lot, tract or parcel of land or enter any building subject to the right of the owner of such land or building to collect any actual damage caused by such entry. Any chief of party or person actually in charge of field work shall be a licensed surveyor. Any

11 licensed surveyor who signs a plat of survey, said survey having been made by
12 any other than a licensed surveyor, shall be guilty of a misdemeanor.

13 Any person not a licensed surveyor who shall represent himself to be such
14 or shall issue as a licensed surveyor any plat, certificate or other document,
15 shall be guilty of a misdemeanor.

Sec. 23. Any person found guilty of a misdemeanor as defined by this
2 Act, shall be subject to a fine of not less than ten dollars nor more than two
3 hundred dollars for each and every offense.

Sec. 24. All Acts or parts of Acts conflicting with the provisions of this
2 Act are hereby repealed.

- 1 Introduced by Mr. Lyon, March 19, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and all Acts amendatory thereof be, and the same hereby is amended by adding thereto an article to be known as Article XIII, in the words and figures following:

ARTICLE XIII.

ORGANIZATION.

That all cities and villages in the State of Illinois which are now or may hereafter become incorporated under an Act entitled "An Act to provide for

10 the incorporation of cities and villages," approved April 10, 1872, and in force
11 July 1, 1872, and all Acts amendatory thereof shall, in addition to all rights,
12 powers and authority in them vested, under and by virtue of said Acts, have
13 and they are hereby vested with the further and additional rights, powers and
14 authority contained in this Act, which for convenience is hereinafter designated
15 "The Commission Form of Municipal Government," by proceeding as herein-
16 after provided.

Sec. 2. Whenever electors of any city or village equal in number to one-
2 tenth of the votes cast for all candidates for mayor or president of the board
3 of trustees at the last preceding city or village election of any such city or
4 village voting for such officer, shall petition the judge of the county court of the
5 county in which said city or village, or the greater part thereof, is located to
6 submit to a vote of the electors of such city or village the proposition as to
7 whether such city or village shall adopt and become entitled to the provisions
8 of this Act, it shall be the duty of such judge of the county court to submit such
9 proposition accordingly to a special city or village election to be called by such
10 judge within sixty days: *Provided*, if a general city or village election is held
11 within such sixty days, such proposition shall be submitted thereat. An order
12 shall be entered or recorded in the county court of such county submitting such
13 proposition as aforesaid.

Sec. 3. Said petition provided for in section 2 shall be substantially in the
2 following form:

3 "To the Honorable (name of Judge), Judge of the County Court of the
4 County of (name of county):

5 We, the undersigned qualified electors of the city or village of (name of
6 city or village), respectfully petition your honor to submit to a vote of the elec-
7 tors of said city or village, at an election, the following proposition:

h

41

34 the street and number of such residence). certifying that the signatures on that
35 sheet of said petition were signed in his presence and are genuine, and that to
36 the best of his knowledge and belief the persons so signing were, at the time
37 of signing, qualified voters of said city or village. Such statement shall be
38 sworn to before some officer of the county in which such city or village is lo-
39 cated, authorized to administer oaths therein.

40 Such sheets, before being filed, shall be neatly fastened together, by plac-
41 ing the sheets in a pile and fastening them together at the upper edge in a se-
42 cure and suitable manner, and the sheets shall then be numbered consecutively.

Sec. 4. The judge of such county court shall give at least ten days' notice
2 of the election at which such proposition is to be submitted by publishing such
3 notice in one or more daily newspapers published within such city or village
4 for at least five times, the first publication to be at least ten days before the
5 day of election; and if no daily newspaper is published in such city or village,
6 then by posting at least five copies of such notice in each ward of such city or
7 in such village at least ten days before such election. Such election shall be
8 held under the election law in force in such city or village, except as herein
9 otherwise provided.

10 The proposition so to be voted upon shall appear in plain, prominent type,
11 on a separate and distinct ballot, and the names of no candidates for any
12 office or offices, nor any other proposition shall appear thereon, and such bal-
13 lot and the manner of voting the same shall comply as near as may be with
14 section 16 of an Act entitled "An Act to provide for the printing and distri-
15 bution of ballots at public expense and for the nomination of candidates for pub-
16 lic offices, to regulate the manner of holding elections, and to enforce the secrecy
17 of the ballot. Approved June 22, 1891; in force July 1, 1891, and all amend-
18 ments thereto."

19 If a majority of the votes cast upon such proposition shall be in favor of
20 and for the adoption of such proposition, the provisions of this Act shall there-
21 by be adopted by such city or village and the mayor or president of the board
22 of trustees shall thereupon immediately issue a proclamation declaring this Act
23 in force in said city or village, and thenceforth this Act shall be in full force
24 and effect therein.

Sec. 5. A certified copy of the canvass of the votes of the election on such
2 proposition, made by the proper officers, shall be transmitted to the city or vil-
3 lage clerk of such city or village and to the clerk of the county court, and by
4 each transcribed upon the records of their respective offices in full.

Sec. 6. Immediately after such proposition is adopted, the mayor or presi-
2 dent of board of trustees shall transmit to the Secretary of State, to the clerk
3 of the county court, and county recorder, each a certificate stating that such
4 proposition was adopted, who shall duly file the same in their respective offices
5 and transcribe the same upon the records thereof.

Sec. 7. The failure of the mayor or president of the board of trustees, or
2 any of said officials, to perform the duties and acts imposed upon them by sec-
3 tions 4, 5 and 6, shall not invalidate nor prevent the adoption of this Act.

Sec. 8. All courts in this State shall take judicial notice of the adoption
2 of this Act by such cities or villages as adopt the same.

ELECTION OF OFFICERS.

Sec. 9. On the third Tuesday in April next after the adoption of such prop-
2 osition and biennially thereafter, there shall be held a general municipal elec-
3 tion at which there shall be elected a mayor and four commissioners from the
4 city or village without regard to wards. All divisions into wards of such mu-

5 municipalities as adopt this Act shall be discontinued and said officers shall be
6 nominated and elected at large: *Provided*, that in cities which include wholly
7 within their corporate limits a town or towns, such elections shall be held on the
8 first Tuesday in April.

Sec. 10. The mayor and commissioners elected under section 9 of this Act
2 shall be known as the council and shall hold their respective offices until the
3 next succeeding general election for such officers, respectively, and until their
4 successors are elected and qualified as provided in this Act.

Sec. 11. The mayor and commissioners shall hold their respective offices for
2 the term of two years, or until their successors are elected and qualified. If
3 any vacancy occurs in any such office the remaining members of said council
4 shall, within thirty days after such vacancy occurs, appoint a person to fill such
5 vacancy during the balance of the unexpired term.

Sec. 12. Said officers shall qualify and their terms of office shall begin on
2 the first Monday after they shall have been declared elected. The terms of
3 office of the mayor and aldermen and president and board of trustees in such
4 city or village in office at the beginning of the terms of the mayor and commis-
5 sioners first elected under the provisions of this Act shall then cease and deter-
6 mine, and the terms of office of all other elective and appointive officers and
7 employes in such city or village, except as hereinafter provided, shall cease and
8 determine as soon as the council shall by resolution or ordinance declare, and
9 their successors qualify.

Sec. 13. All candidates to be voted for at all general municipal elections at
2 which a mayor and four commissioners are to be elected under the provisions
3 of this Act shall be nominated by a primary election from the city or village
4 at large, and no other names shall be placed upon the general ballot at the

5 general municipal election except those selected in the manner hereinafter pre-
 6 scribed. The primary election for such nomination shall be held on the last
 7 Tuesday in February immediately preceding the general municipal election, in
 8 all cities or villages in which the general municipal election under this Act is
 9 held on the first Tuesday of April, and on the second Tuesday in March imme-
 10 diately preceding the general municipal election in all cities or villages in
 11 which the general municipal election under this Act is held on the third Tuesday
 12 of April.

Sec. 14. The judges and clerks of election appointed in accordance with
 2 the election law in force in such city or village, shall be the judges and clerks
 3 of the primary election, and it shall be held at the same place, and the polls
 4 shall be opened and closed at the same hours, and such election shall be con-
 5 ducted the same as a general municipal election is conducted under the election
 6 law in force in said city or village, except as herein otherwise provided.

7 All election laws in force in said city or village shall apply to and govern
 8 a primary election held under this Act, except as herein otherwise provided.

Sec. 15. Any person desiring to become a candidate for mayor or commis-
 2 sioner shall, not less than fifteen days nor more than thirty days prior to such
 3 primary election, file with the city or village clerk, or, in those cities having
 4 a board of election commissioners, with the clerk of such board, a statement of
 5 such candidacy in substantially the following form:

6 State of Illinois, }
 7 County of..... } ss.

8 I,, being first duly sworn, say that I reside at (here give
 9 number and street)Street, in the City (or village) of
 10 (here name of city or village), County of (here name
 11 county), State of Illinois; that I am a qualified voter there-
 12 in; that I am a candidate for nomination to the office of (mayor or commis-

13 sioner) to be voted upon at the primary election to be held on the.....Tuesday
14 of.....A. D. 19....; that I am legally qualified to hold such office;
15 and I hereby request that my name be printed upon the official primary ballot
16 for nomination by such primary election for such office.

17 (Signed)

18 Subscribed and sworn to (or affirmed) before me by..... on
19 this....day of.....A. D. 19....

20 (Signed)

21 (Official character.)

22 (Seal, if officer has one.)

23 and shall at the same time file therewith the petition of at least twenty-five
24 qualified voters requesting such candidacy.

25 Such petition shall substantially be in the following form:

26 We, the undersigned, duly qualified electors of the city (or village) of (city
27 or village)....., and residing at the places set opposite our respec-
28 tive names hereto, do hereby petition that the name of (name of candidate)
29be placed upon the ballot as candidate for nomination for
30 the office of (here name office).....at the primary election to
31 be held in such city or village on the.....Tuesday of.....
32 A. D. 19.... We further state that we know him to be a qualified elector of
33 said city or village and legally qualified to hold such office.

Names of Qualified Electors	Number	Streets

34 I,, do hereby certify and make oath (or affirm) that
35 I am upwards of the age of twenty-one years, that I reside at Number (give
36 number and street, if any).....Street, in the city (or village)
37 of..... of the County of..... and State of
38 Illinois; that the signatures on this sheet were signed in my presence, and are
39 genuine, and that to the best of my knowledge and belief the persons so sign-

ing were, at the time of signing said petitions, qualified electors and that their
respective residences are correctly stated as above set forth.

(Signed)

Subscribed and sworn to (or affirmed) before me this...day of.....

A. D.

.....

Official character.

(Seal, if officer has one.)

Such petitions shall consist of sheets of uniform size, and the heading of
each sheet shall be the same. Such petitions shall be signed by qualified electors
in their own proper persons only, and opposite the signature of each signer,
his residence address shall be written (and if a resident of a city or village
having a population of over 10,000 by the then last preceding federal or State
census the street and number of such residence shall be given). At the bottom
of each sheet shall be added a statement signed by an adult resident of the city
or village, stating his residence address (and if a resident of a city or village
having a population of over 10,000 by the then last preceding federal or State
census the street and number of such residence shall be given), certifying on
oath or affirmation that the signatures on that sheet of said petition were signed
in his presence and are genuine, and that to the best of his knowledge and be-
lief the persons so signing were, at the time of signing said petition, qualified
electors of said city or village. Said statement and also the statement of the
candidate hereinbefore referred to, shall be sworn to or affirmed before some
officer of the county in which the person making the statement resides, author-
ized to administer oaths therein.

Such sheets, before being filed, shall be neatly fastened together in book
form, by placing the sheets in a pile and fastening them together at the upper
edge, in a secure and suitable manner, and the sheets shall then be numbered
consecutively. The sheets shall not be fastened by pasting them together end
to end, so as to form a continuous strip or roll. Said petition, when filed, shall

70 not be withdrawn or added to, and no signature shall be revoked except by revo-
71 cation filed in writing with the clerk or other proper officer with whom the
72 petition is required to be filed, and before the filing of such petition.

73 Immediately upon the expiration of the time of filing the statements and
74 petitions for candidates, the said city or village clerk or Board of Election Com-
75 missioners shall cause to be published for three successive days in all the daily
76 papers published in said city, in proper form, the names of the persons as they
77 are to appear upon the primary ballots, and if there be no daily newspaper,
78 then in two issues of any other newspapers published in said city or village,
79 and if there be no newspaper published in said city or village then in the nearest
80 newspaper published in the county in which such city or village is located, or
81 if there be no newspaper published in said county, then in the nearest news-
82 paper published in the State; and the clerk shall thereupon cause the primary
83 ballots to be printed in the same manner and in the same number and within
84 the same time as ballots are printed under the election law in force in such
85 city or village for general municipal elections, except as herein otherwise pro-
86 vided. Said ballots shall be authenticated with the fac-simile of the clerk's
87 signature on the back thereof. Upon said ballots the names of the candidates
88 for mayor, arranged alphabetically, shall first be placed, with a square at the
89 left of each name, and immediately above the names and immediately following
90 the name of the office, the words "Vote for one." Following these names like-
91 wise arranged in alphabetical order, shall appear the names of the candidates
92 for commissioners with a square at the left of each name and immediately
93 above the names of such candidates, and immediately following the name of the
94 office, shall appear the words "Vote for four." The ballots shall be printed
95 upon plain, substantial white paper, and shall comply with the election laws in
96 force in such city or village, except as herein otherwise provided, and shall
97 be headed:

98 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-
 99 SIONERS OF THE CITY (OR VILLAGE) OF..... AT
 100 THE PRIMARY ELECTION, but shall have no party, platform or principle
 101 designation or appellation or mark whatever, nor shall any circle be printed at
 102 the head of the ballot. The ballots shall be in substantially the following
 103 form:

104 OFFICIAL PRIMARY BALLOT

105 CANDIDATES FOR NOMINATION FOR MAYOR AND COMMIS-
 106 SIONERS OF THE CITY (OR VILLAGE) OF.....AT THE
 107 PRIMARY ELECTION.

FOR MAYOR

(Vote for one)

- ☐ JOHN JONES
- ☐ JAMES SMITH
- ☐ HENRY WHITE
- ☐ RALPH WILSON

FOR COMMISSIONERS

(Vote for four)

- ☐ WILLIAM BURKE
- ☐ GEORGE MILLER
- ☐ THOMAS WILLIAMS
- ☐ EDWARD STUART
- ☐ ROBERT BUCK
- ☐ HARRY BROWN
- ☐ JOSEPH TROUT
- ☐ ARTHUR ROBBINS

108 Such ballots shall be authenticated and attested on the back thereof in the
109 same manner and form as provided by the election law in force in said city or
110 village.

111 The law governing such primary election shall be the election law in force
112 in such city or village, for the general municipal elections except as herein
113 otherwise provided.

Sec. 16. The persons who are qualified to vote at a general municipal elec-
2 tion shall be qualified to vote at such primary election; and in all cases where
3 registration is required as a condition precedent to voting at regular elections,
4 only registered voters shall be entitled to vote at such primary: *Provided,*
5 *however,* that at such primary, any legal voter of a precinct who has not regis-
6 tered, shall be entitled to vote in case he shall file with the primary judges
7 an affidavit, stating the time when he removed into such precinct, and the
8 length of his legal residence in such precinct, county and State, and that he
9 has removed into that precinct since the last registration of electors at the last
10 election and that he is a legal voter of such precinct, supported by an affidavit
11 of a registered voter and householder of such precinct, that he knows such
12 voter and that his statements as to the time of his residence, as aforesaid, are
13 correct, and that such person is a legal voter in such precinct. So far as reg-
14 istration of voters or revision of registry is concerned all primary elections
15 held under this Act shall be considered special elections.

Sec. 17. The two candidates receiving the highest number of votes for
2 mayor shall be the candidates and the only candidates whose names shall be
3 placed upon the ballot for mayor at the next succeeding general municipal
4 election, and the eight candidates receiving the highest number of votes for
5 commissioners, or all such candidates if less than eight, shall be the candidates
6 and the only candidates whose names shall be placed upon the ballot for com-

missioners at such municipal election: *Provided*, that nothing contained in this Act shall be construed as preventing an elector, either at the primary election or general municipal election, held under this Act, from writing in the name of the candidate or candidates of his choice in a blank space on said ticket, and making a cross opposite thereto in accordance with the election law in force in said city or village.

Sec. 18. If, upon the canvass of the returns of said primary election, by the canvassing board, it shall appear that more than the number of persons to be nominated for the office of mayor or of commissioners have the highest and an equal number of votes for the nomination for the same office, the said canvassing board shall decide by lot, which of such persons shall be nominated. In such case such canvassing board shall issue notice in writing to such person or persons of such vote, stating therein the place, the day (which shall not be more than five (5) days thereafter) and the hour when such nomination shall be so determined.

Sec. 19. Any candidate whose name appears upon the primary ballot at any primary held under this Act may contest the election of the candidates nominated upon the face of the returns, which contest and the mode of procedure therein shall be governed as near as may be by section 63 of an Act entitled "An Act to provide for the holding of primary elections by political parties. Approved February 21, 1908; in force July 1, 1908."

If any candidate nominated at such primary should die or withdraw before the general municipal election, the vacancy caused thereby shall be filled by the placing of the name of the candidate (if for the office of mayor) receiving the third highest number of votes, and, if for the office of commissioner, the candidate receiving the ninth highest number of votes at such primary, and so on in case of the death or withdrawal of more than one candidate.

13 All general municipal elections in said city or village shall be held, con-
 14 ducted and contested under the election law in force in such city or village,
 15 except as herein otherwise provided.

Sec. 20. Upon the ballots for the general municipal election the names
 2 of the candidates for mayor nominated at such primary election, arranged al-
 3 phabetically, shall first be placed with a square to the left of each name, and
 4 immediately above the names, and following the name of the office, the words
 5 "Vote for one" shall be placed.

6 Following such names, likewise arranged in alphabetical order, shall appear
 7 the names of the candidates for commissioners, nominated at such primary
 8 election, with a square to the left of each name, and above the names of such
 9 candidates and immediately following the name of the office, shall appear the
 10 words "Vote for four."

11 The said ballots shall be printed upon plain, substantial white paper, and
 12 shall comply with the election laws in force in such city or village, except as
 13 herein otherwise provided, and shall be headed

14 CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMIS-
 15 SIONERS OF THE CITY (OR VILLAGE) OF.....AT THE
 16 GENERAL MUNICIPAL ELECTION, but such ballots shall have no party,
 17 platform or principle designation or appellation or marks whatever, nor shall
 18 any circle be printed thereon at the head of the ballot. The ballots shall be in
 19 substantially the following form:

20 OFFICIAL BALLOT.

21 CANDIDATES FOR THE ELECTION FOR MAYOR AND COMMIS-
 22 SIONERS OF THE CITY (OR VILLAGE) OF.....AT THE
 23 GENERAL MUNICIPAL ELECTION.

FOR MAYOR
(Vote for one)

- ☐ JOHN JONES
☐ JAMES SMITH

FOR COMMISSIONERS
(Vote for four)

- ☐ WILLIAM BURKE
☐ GEORGE MILLER
☐ THOMAS WILLIAMS
☐ EDWARD STUART
☐ ROBERT BUCK
☐ HARRY BROWN
☐ JOSEPH TROUT
☐ ARTHUR ROBBINS

24 Such ballots shall be authenticated and attested on the back thereof in the
25 same manner and form as provided by the election law in force in such city or
26 village.

27 Sample ballots shall also be printed and supplied in accordance with the
28 election law in force in such city or village.

PENALTIES FOR ELECTION FRAUDS.

Sec. 21. Any person who shall agree to perform any service in the interest
2 of any candidate for any nomination or election for any office provided in this
3 Act, in consideration of any money or other valuable thing, or for the "treats,"
4 or for any appointment to any office or employment under such city or village.

5 for such service performed in the interest of any such candidate, shall be pun-
 6 ished by a fine not exceeding three hundred dollars (\$300) or be imprisoned in
 7 the county jail not exceeding thirty (30) days, or both, in the discretion of the
 8 court.

Sec. 22. Any person offering to give a bribe, either in money or other con-
 2 sideration, or in the form of treating, or by agreement to appoint to any office
 3 or employment under such city or village, to any elector for the purpose of in-
 4 fluencing his vote at any election provided for in this Act, or any elector en-
 5 titled to vote at any such election requesting, receiving or accepting such bribe,
 6 money, other consideration, or treats, or agreeing to vote or support any can-
 7 didate, in consideration that he be appointed to an office or employment under
 8 such city, shall be deemed guilty of a misdemeanor, and upon conviction shall
 9 be fined a sum not less than one hundred dollars (\$100) nor more than five
 10 hundred dollars (\$500) or be imprisoned in the county jail not less than ten
 11 nor more than ninety days, or both, in the discretion of the court.

POWERS OF THE COUNCIL.

Sec. 23. Every such city or village shall be governed by a council consist-
 2 ing of the mayor and four commissioners, as provided in this Act, each of
 3 whom shall have the right to vote on all questions coming before the council.
 4 Three members of the council shall constitute a quorum, and the affirmative
 5 vote of three members shall be necessary to adopt any motion, resolution or
 6 ordinance, or pass any measure, unless a greater number is provided for by
 7 this Act. Upon every vote the "yeas" and "nays" shall be called and recorded,
 8 and every motion, resolution or ordinance shall be reduced to writing and read
 9 before a vote is taken thereon, and all the commissioners, including the mayor,
 10 present at any meeting shall vote thereon.

11 The mayor shall preside at all meetings of the council; he shall have no
 12 power to veto any measure, motion, resolution or ordinance, but every resolu-
 13 tion, ordinance and measure passed by the council must be signed by the mayor,
 14 or by two commissioners and be recorded before the same shall be in force.

Sec. 24. The council shall have and possess and the council and its mem-
 2 bers shall exercise all executive and legislative powers and duties now had,
 3 possessed and exercised by the mayor, city council, president and board of trus-
 4 tees of villages, board of library trustees, city clerk, city attorney, city engi-
 5 neer, city treasurer, city comptroller, and all other executive, legislative and
 6 administrative officers in cities or villages now or hereinafter organized and in-
 7 corporated under the general incorporation law of the State of Illinois for the
 8 incorporation of cities and villages, except that in each city or village organ-
 9 ized under and adopting the provisions of this Act the board of local improve-
 10 ments, provided for, in and by an Act entitled "An Act concerning local im-
 11 provements," (approved June 14, 1897; in force July 1, 1897), and all Acts
 12 amendatory thereto, shall be and remain a separate and distinct body with all
 13 the rights, powers, duties and authority in said Act contained, and except also,
 14 that nothing herein contained shall apply or extend or pertain to or in any way
 15 affect the park and driveway officers now or hereafter elected under the par-
 16 ticular laws pertaining thereto, and except also that nothing contained in this
 17 Act shall in any way extend or pertain to or affect any public school law in
 18 operation in any municipality which may adopt this Act, anything in this pres-
 19 ent Act contained to the contrary notwithstanding.

20 The executive and administrative powers, authority and duties in such
 21 cities and villages shall be distributed into and among five departments as
 22 follows:

- 23 1. Department of public affairs.
- 24 2. Department of accounts and finances.

25 3. Department of public health and safety.

26 4. Department of streets and public improvements.

27 5. Department of public property.

28 The council shall, by ordinance, determine the powers and duties of, and to
29 be performed by, each department and assign them to the appropriate depart-
30 ments; shall prescribe the powers and duties of officers and employes and may
31 assign employes to one or more of the departments; may require an officer or
32 employe to perform duties in two or more departments and may make such
33 other rules and regulations as may be necessary or proper for the efficient and
34 economical conduct of the business of the city or village.

Sec. 25. The mayor shall be commissioner of public affairs and as such
2 be superintendent of that department, and the council shall, at the first regular
3 meeting after election of its members, designate, by a majority vote, one com-
4 missioner to be commissioner of accounts and finances, who shall be superin-
5 tendent of that department; one to be commissioner of public health and safety,
6 who shall be superintendent of that department; one to be commissioner of
7 streets and public improvements, who shall be superintendent of that department,
8 and who *ex officio* shall be commissioner of public works; and one to be com-
9 missioner of public property, and as such to be superintendent of that depart-
10 ment; but such designation may be changed by the council whenever it appears
11 that the public service would be benefited thereby. The council, by a majority
12 vote, may, in their discretion, at such first meeting or as soon as practicable
13 thereafter, elect, by a majority vote, the following officers: City clerk, corpora-
14 tion counsel, city attorney, assistant city attorney, treasurer, comptroller, city
15 physician, chief of police, chief of fire department, harbor master, market mas-
16 ter, three library trustees and the necessary officers to fill the offices, provided
17 for by the Local Improvement Act, known as "An Act concerning local improve-
18 ments," approved June 14, 1897, in force July 1, 1897: *Provided*, that the com-

19 missioner of streets and public improvements under this Act shall be *ex officio*
20 the commissioner of public works and a member of the board of local improve-
21 ments as and when provided for by said Act concerning local improvements.

22 Any officer or assistant or employe elected or appointed by the council
23 may be removed from office at any time by a vote of a majority of the members
24 of the council, except as otherwise provided in this Act.

Sec. 26. The council shall have the power, by ordinance, from time to time,
2 to create, fill and discontinue offices and employment other than herein pre-
3 scribed, according to their judgment of the needs of the city or village; and
4 may, by majority vote of all the members, remove any such officer or employe,
5 appointed by them, except as otherwise provided for in this Act; and may, by
6 resolution or otherwise, prescribe, limit or change the compensation of all ap-
7 pointive officers or employes.

CIVIL SERVICE.

Sec. 27. In all cities or villages which have heretofore or shall hereafter
2 adopt an Act entitled "An Act to regulate the civil service of cities, approved
3 and in force March 20, 1895," the council shall not have the right, power or
4 authority to appoint or discharge any officer, assistant or employe, except in
5 accordance with such Act: *Provided, however,* the council shall have the power
6 to remove officers who are elected by the council pursuant to law, judges and
7 clerks of election, heads of any principal department of the city subordinate to
8 any of the departments provided for in sections 24 and 25 of this Act.

9 Nothing herein contained shall be construed to prevent any city adopting
10 this Act from adopting "An Act to regulate the civil service of cities," ap-
11 proved and in force March 20, 1895, and all amendatory Acts thereto, but such
12 city may adopt such Act in the manner in that Act provided.

Sec. 28. The council shall have the right, power and authority to appoint
2 the heads of all principal departments, subordinate to the departments pro-
3 vided for in sections 24 and 25 of this Act.

Sec. 29. In all cities or villages which have heretofore or shall hereafter
2 adopt an Act entitled "An Act to regulate the civil service of cities, approved
3 and in force March 20, 1895," all officers, assistants and employes of such city,
4 except those mentioned in sections 25 and 28 and within the exception of sec-
5 tion 27 of this Act, shall be appointed by the commissioner of each department
6 mentioned in section 24 in accordance with such Act entitled "An Act to regu-
7 late the civil service of cities, approved and in force March 20, 1895;" and in
8 all cities or villages which have not heretofore or shall not hereafter adopt such
9 civil service Act, all such officers, assistants and employes shall be appointed by
10 the commissioner of each department specified in section 24, and may be dis-
11 charged by him when, in his judgment, the efficient conduct of the city's affairs
12 shall demand it.

Sec. 30. Any officer, assistant or employe who shall have been elected or
2 appointed by the council in accordance with the provisions of this Act may be
3 removed from office at any time by a vote of a majority of the members of such
4 council, except as otherwise provided for in this Act or by law.

SALARIES.

Sec. 31. The mayor and each of the commissioners shall have an office
2 at the municipal building or rooms and shall devote such time to the duties of
3 their respective offices as a faithful discharge thereof may require, and their
4 total and only compensation for the performance of their several and respective
5 duties as such officers shall be annual salaries as follows, to-wit:

6 Where the population is not over 2,000 the annual salary of the mayor
7 shall be \$50.00, and of each commissioner, \$40.00;

8 Where the population is over 2,000 and not over 5,000 the salary of the
9 mayor shall be \$100.00, and of each commissioner, \$75.00;

10 Where the population is over 5,000 and not over 10,000 the salary of the
11 mayor shall be \$500.00, and of each commissioner, \$400.00;

12 Where the population is over 10,000 and not over 20,000 the salary of the
13 mayor shall be \$900.00, and of each commissioner, \$600.00;

14 Where the population is over 20,000 and not over 40,000 the salary of the
15 mayor shall be \$2,000.00, and of each commissioner, \$1,800.00;

16 Where the population is over 40,000 and not over 60,000 the salary of the
17 mayor shall be \$3,000.00, and of each commissioner, \$2,500.00;

18 Where the population is over 60,000 and not over 80,000 the salary of the
19 mayor shall be \$3,200.00 and of each commissioner, \$2,500.00;

20 Where the population is over 80,000 and not over 100,000 the salary of the
21 mayor shall be \$3,500.00, and of each commissioner, \$3,000.00;

22 Where the population is over 100,000 and not over 250,000 the salary of the
23 mayor shall be \$4,000.00, and of each commissioner, \$3,000.00;

24 Where the population is over 250,000 and not over 500,000 the salary of the
25 mayor shall be \$5,000.00, and of each commissioner, \$4,000.00;

26 Where the population is 500,000 and not over 1,000,000 the salary of the
27 mayor shall be \$6,000.00, and of each of the commissioners \$5,000.00;

28 Where the population is 1,000,000 and over the salary of the mayor shall
29 be \$15,000.00, and of each said commissioner, \$12,000.00.

30 All such annual salaries shall be payable in equal monthly installments,
31 and, where the number of inhabitants is referred to in this section, it shall
32 mean the number of such inhabitants according to the last preceding State or
33 federal census.

Sec. 32. All other officers, assistants or employes of such city or village shall receive such salary or compensation as the council thereof shall by ordinance provide, payable monthly or at such shorter periods as the council may determine, but no change shall be made in said salaries during the six months period next preceding any regular biennial election.

MEETINGS AND ORDINANCES.

Sec. 33. Regular meetings of the council shall be held on the first Monday after the mayor and commissioners shall have been declared elected, and thereafter at least once each month. The council shall provide by ordinance for the time of holding regular meetings, and special meetings may be called from time to time by the mayor or two commissioners upon giving not less than twenty-four hours' notice to all the members of the council: *Provided, however,* that if all members of the council are present at such special meeting no notice of such meeting shall be necessary. All meetings of the council, whether regular or special, shall be open to the public.

The mayor shall be president of the council and preside at its meetings and shall supervise all departments and report to the council for its action all matters requiring attention in any department. The commissioner of accounts and finance shall be vice president of the council, and, in case of vacancy in the office of mayor or the absence or inability of the mayor, shall perform the duties of mayor.

Sec. 34. Every ordinance or resolution, appropriating any money or ordering any street improvement or sewer, or making or authorizing the making of any contract or granting any franchise, right or license to occupy or use the streets, alleys, highways, bridges, viaducts, public property or public places in the city or village for any purpose, shall remain on file with the city or vil-

6 lage clerk for public inspection, complete in the form in which it is finally
 7 passed, at least one week before the final passage or adoption thereof.

Sec. 35. Every grant of any franchise, right or license to occupy or use
 2 the streets, alleys, highways, bridges, subways, viaducts, public property or
 3 public places for aerial-way, interurban, suburban, subway, elevated or street
 4 railways, gas, water works, electric light, power plants, heating plants, tele-
 5 graphs, telephone systems, or other public service utilities within said city or
 6 village, must be authorized or approved by a majority of the electors voting
 7 thereon at a general or special election as provided herein.

Sec. 36. Upon the passage of any ordinance or ordinances by the council
 2 granting any franchise, right or license specified in section 35 of this Act, the
 3 same shall forthwith be submitted to a vote of the electors of said city or vil-
 4 lage at a special election called by such council for such purpose, and notice of
 5 which shall be given in the same manner and form and within the same time
 6 by the same persons as notices of special elections within said city or village
 7 are required to be given under the election law in force in such municipality.

8 The ballots used when voting upon said ordinance or ordinances shall con-
 9 tain these words: "Shall the city or village of (name of city or village)
 10adopt the ordinance (stating the nature of the proposed
 11 ordinance)?"

12 The proposition or propositions to be voted upon shall appear in plain,
 13 prominent type, and on a separate and distinct ballot, and the names of no
 14 candidates for any office or offices, nor any other proposition or propositions
 15 except those authorized under this Act, shall appear thereon, and such ballot
 16 and the manner of voting the same shall substantially comply with section 16,
 17 and all amendments thereto, of an Act entitled, "An Act to provide for the print-
 18 ing and distribution of ballots at public expense, and for the nomination of candi-

19 dates for public offices, to regulate the manner of holding elections and to en-
 20 force the secrecy of the ballot, approved June 22, 1891, in force July 1, 1891.”

21 *Provided*, that two or more such ordinances specified in section 35 may be
 22 submitted at the same time and upon the same ballot: *Provided, further*, that
 23 any one or more proposed ordinances, as hereinafter provided for in sections
 24 48 and 49, may be submitted at such election upon the same ballot, if all the
 25 other requirements of this Act relative to such proposed ordinance or ordi-
 26 nances shall have been complied with.

27 The style of all ordinances passed by municipalities adopting this Act shall
 28 be “Be it ordained by the council of the city (or village) of.....”

Sec. 37. No special election shall be called for the approval or rejection
 2 of any ordinance mentioned in sections 35 and 36, if a general municipal elec-
 3 tion provided for by law occurs within ninety days after the passage thereof,
 4 in which case such ordinance or ordinances shall be submitted to a vote of the
 5 electors of said city or village, at such general municipal election in manner
 6 and form as provided herein.

7 If a majority of the qualified electors, either at a general or special elec-
 8 tion, voting on such ordinance or ordinances respectively, shall vote in favor
 9 thereof, such ordinance or ordinances shall thereupon become a valid and bind-
 10 ing ordinance of the municipality.

OFFICERS NOT TO BE INTERESTED IN CITY CONTRACTS.

Sec. 38. No mayor, commissioner, officer, assistant or employe elected or
 2 appointed in any such city or village shall be interested, directly or indirectly,
 3 in any contract or job for work or materials, or profits thereof, or services
 4 to be furnished or performed for the city or village, and no mayor, commis-
 5 sioner, officer, assistant or employe shall be interested, directly or indirectly, in
 6 any contract or job for work or materials, or the profits thereof, or services

7 to be furnished or performed for any person, firm or corporation, operating
8 aerial-way, interurban, suburban, subway, elevated or street railways, gas works,
9 water works, electric light plants, power plants, heating plants, telegraph or
10 telephone lines, systems or exchange, or other public utility wholly or partly
11 within the territorial limits of said city or village. No mayor, commissioner,
12 officer, assistant or employe shall request, accept or receive, directly or indi-
13 rectly, from any person, firm or corporation owning, operating or leasing with-
14 in or partly within the territorial limits of said city or village any aerial-way,
15 interurban railway, suburban railway, subway railway, elevated railway or
16 street railway, gas works, water works, electric light plant, power plant, heating
17 plant, telegraph lines or system, telephone lines, system or exchange, or other
18 public service utility operating under any grant or franchise, license or right,
19 or from any steamboat, ship, tug or ferry line leaving or entering or operating
20 within said city or village, any employment, for hire or otherwise, or any
21 frank, free ticket, pass or free service, either for himself, family, relatives or
22 any other person, or request, accept or receive, directly or indirectly, from any
23 such person, firm or corporation, any other service upon terms more favorable
24 than is granted to the public generally.

25 Any violation of this section shall be a misdemeanor and punished by a
26 fine not less than \$100.00 nor more than \$500.00, and shall be ground for re-
27 moval from office or employment.

28 Such prohibition of free transportation shall not apply to policemen or
29 firemen in uniform, nor shall any free service to city or village officials or
30 employes heretofore provided by any franchise, or license grant, be affected by
31 this section.

32 Any officer or employe of such city or village who in any manner contrib-
33 utes money, labor or other valuable thing to any person for election purposes
34 shall be guilty of a misdemeanor, and upon conviction thereof shall be pun-

35 ished by a fine not exceeding \$300.00 or by imprisonment in the county jail not
 36 exceeding thirty days, or both, at the discretion of the court.

Sec. 39. All officers, assistants and employes in any such municipality shall
 2 be elected or appointed in accordance with this Act with reference to their quali-
 3 fications and fitness and for the good of the public service, and without ref-
 4 erence to their political or religious faith or party affiliations.

5 Any candidate for any office authorized to be voted for under this Act
 6 who shall, directly or indirectly, enter into any understanding or agreement to
 7 do or not to do any official act in the event of his election to the benefit or
 8 advantage of any person, firm, corporation or association in consideration for
 9 the influence, support and assistance of said person, firm, corporation or associa-
 10 tion to bring about the election of such candidate, shall be deemed to be guilty of
 11 giving, or offering to give, a bribe, and if convicted thereof shall be punished by
 12 a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in
 13 the county jail not exceeding thirty days, or both, in the discretion of the court,
 14 and if elected to office he shall be deemed to have resigned such office by rea-
 15 son of such conviction and shall be ineligible to again hold any elective office
 16 whatsoever. Nothing herein contained shall be taken to prevent any candidate
 17 from publicly outlining his position or pledging his support for, or opposition
 18 to, any measure or prospective measure of a public nature

Sec. 40. Every elective officer, elected by the electors of such city or vil-
 2 lage, shall, within thirty days after qualifying, file with the city or village clerk
 3 and publish at least once in a daily newspaper of general circulation, or if
 4 there is no daily newspaper published in such city or village, then in a weekly
 5 newspaper of general circulation published in such city or village, or if there
 6 is no weekly newspaper published in such city or village, then in some news-
 7 paper of general circulation published in the county in which such city or vil-

8 lage is located, his sworn statement of all his election and campaign expenses
9 (including primary election), and by whom such funds were contributed.

10 Any violation of the provisions of this section shall constitute a misde-
11 meanor and be punished by a fine not exceeding \$500.00 or by imprisonment in
12 the county jail not exceeding three months, or by both such fine and imprison-
13 ment, in the discretion of the court, and shall be a ground for removal from
14 office.

FINANCES AND APPROPRIATIONS.

Sec. 41. The council shall each month print in a pamphlet form a detailed
2 itemized statement of all receipts and expenses of the city or village and a
3 summary of its proceedings during the preceding month, and furnish printed
4 copies thereof to the State library, the city library, the daily and weekly news-
5 papers of general circulation of the city or village, and to persons who shall
6 apply therefor at the office of the city or village clerk. At the end of each year
7 the council shall cause a full and complete examination of all books and accounts
8 of the city or village to be made by competent accountants, and shall publish
9 the result of such examination in the manner above provided for publication
10 of statements of monthly expenditures.

11 It shall be unlawful for the council or any commissioner to directly or in-
12 directly expend a greater amount for any municipal purpose than the amount
13 appropriated for such municipal purpose in the annual appropriation ordi-
14 nance passed for that fiscal year. A violation of this provision by any member
15 of the council shall subject the offender to a fine of not less than \$100.00 and
16 not to exceed \$500.00.

Sec. 42. If, at the beginning of the term of office of the first council
2 elected in such city or village under the provisions of this Act, the appropria-
3 tion for the expenditures of the city or village government for the current fiscal

4 year have been made, said council shall have the power by ordinance to revise,
 5 to repeal or change said appropriations and to make additional appropriations
 6 in the manner and within the time provided by law.

RECALL OF ELECTIVE OFFICERS.

Sec. 43. Every incumbent of an elective office, whether elected by a popular
 2 vote or appointed to fill a vacancy, is subject to recall and removal at any time
 3 by the electors qualified to vote for a successor of such incumbent.

4 The procedure to effect the removal of an incumbent of such office shall
 5 be as follows:

6 (a) A petition signed by electors entitled to vote for a successor to the
 7 incumbent sought to be recalled or removed, equal in number to at least twenty-
 8 five per centum of the entire vote for all candidates for the office of mayor at
 9 the last preceding general municipal election, demanding an election of a suc-
 10 cessor of the person sought to be removed or recalled, shall be filed with the
 11 city or village clerk or clerk of the Board of Election Commissioners, as the
 12 case may be, which petition shall contain a general statement, in not more than
 13 two hundred words, of the ground for which the removal or recall is sought.

14 (b) The petition shall be substantially in the following form:

15 To the clerk of the city (name of city or village) or Board of Election
 16 Commissioners of the city or village of..... (as the case
 17 may be):

18 We, the undersigned electors of the city or village of (name of city or
 19 village), entitled to vote for a successor to (name of person), an incumbent
 20 of the office of (name of office) in said city or village, do hereby demand an
 21 election of a successor to said (name of person) for the following reasons,
 22 to-wit: (here state reasons in not more than two hundred words.)

Name.	House Number (if any.)	Street.	Date of Signing.

23 State of Illinois, }
24 County of..... }ss.

25 I,, do hereby certify and make oath (or affirm)
26 that I am upwards of the age of twenty-one, that I reside at Number
27 Street in the city or village of of the County and
28 State of Illinois, that the signatures on this sheet were signed in my presence,
29 on the dates set opposite their respective names, and that the same are genuine,
30 and that to the best of my knowledge and belief the persons so signing were
31 at the time of signing qualified electors, entitled to vote for a successor of (here
32 insert name of person holding office and also the title of the office)
33 and that their respective residences are correctly stated as above set forth.

34
35 Subscribed and sworn (or affirmed) to before me this day of
36 A. D. 19....

37
38 (Seal if officer has one.) (Official character.)

39 (c) Such peitiion shall consist of sheets having such form printed or writ-
40 ten at the top thereof and shall be signed by electors qualified to vote for such
41 successor, in their own proper persons only, and opposite the signatures of each
42 petitioner shall be written by such person his residence address (stating the
43 street and number if there be such) and the date of signing the same. No signa-
44 tures shall be valid or be counted in considering such petition unless these re-
45 quirements are complied with and unless the date of signing is less than four
46 months preceding the date of filing such petition.

47 At the bottom of each sheet shall be added a statement, signed by a resi-
48 dent of the city or village in which the signers thereof reside, with his residence

49 address as aforesaid, stating that the signatures on the sheet were signed in
50 his presence, on the dates set opposite the respective names, and that the same
51 are genuine and to the best of his knowledge and belief the persons so signing
52 were at the time of signing qualified electors, entitled to vote for a successor of
53 the incumbent sought to be removed or recalled, and in cities or villages in
54 which voters are or may be required to be registered, that they were at time of
55 signing said sheet duly registered, and that their respective residences are cor-
56 rectly stated as set forth on such sheet.

57 Such statement shall be sworn to before an officer residing in the county
58 in which such city or village is located, who is qualified to administer oaths
59 therein. Such petition, so verified, or a copy thereof duly certified by the proper
60 persons, shall be *prima facie* evidence that the signatures, statement of residence,
61 and dates upon such petition are genuine and true and that the persons signing
62 the same are electors qualified to vote for a successor of such incumbent and in
63 cities and villages in which the voters are or may be required to be registered,
64 that they were at the time of the signing of such petition duly registered voters.

65 (d) Such sheets shall be fastened together in one document filed as a whole
66 and when filed shall not be withdrawn or added to or altered in any manner by
67 any person. No signature shall be revoked except by a revocation filed in writ-
68 ing with the clerk with whom the petition is required to be filed and before the
69 filing of such petition. Upon request of any person, the clerk shall furnish a
70 certified copy of such petition and names thereto, upon the payment by such
71 person to the clerk of a fee of one dollar for each 100 names thereto.

72 (e) Whoever in making the sworn statement above prescribed shall
73 knowingly, wilfully and corruptly swear falsely shall be deemed guilty of per-
74 jury and on conviction thereof shall be punished accordingly. Whoever forges
75 the signature of any person upon any petition or statement, or residence ad-
76 dress, street or number or date of signing, shall be deemed guilty of forgery and
77 on conviction thereof, punished accordingly.

78 (f) All objections to such petition shall be filed and determined within
 79 ten days after the filing of the same: *Provided*, no officer sought to be recalled
 79½ shall have any voice or vote in determining the sufficiency of such petition. All
 79½ objections shall be determined by the council.

80 (g) The petition being sufficient, the clerk shall immediately after the ex-
 81 piration of such ten days submit the same to the council without delay, and the
 82 council shall order and fix the date for holding the said election, which shall
 83 not be less than thirty days nor more than forty days after the expiration of
 84 such ten days.

85 (h) Such election shall be considered a special election, so far as registra-
 86 tion for voters and revision of registry is concerned, but notices of and arrange-
 87 ments for holding such election shall be the same, and such election shall be con-
 88 ducted, returned and the result thereof declared, in all respects as general muni-
 89 cipal elections under this Act: *Provided*, the primary election for nomination of
 90 a candidate shall be held two weeks preceding such special election, and only
 91 one candidate for each officer sought to be recalled shall be nominated.

Sec. 44. If the officer sought to be recalled or removed, shall resign within
 2 five days after the said petition is filed with the clerk, the council shall proceed
 3 to appoint his successor, the same as in the case of other vacancies, and no
 4 election shall be held: *Provided*, the council shall have no power to appoint the
 5 person so resigning: *And, provided, further*, that unless such officer sought to be
 6 recalled resigns within said five days said recall election shall proceed.

Sec. 45. The successor of any officer so removed or resigning shall hold
 2 office during the unexpired term of his predecessor. Any person sought to be
 3 recalled or removed shall be a candidate to succeed himself, unless he shall re-
 4 sign as aforesaid, and his name shall be placed on the official ballot without
 5 nomination.

6 In any such removal or recall election the candidate receiving the highest
 7 number of votes shall be declared elected and in the primary election preceding
 8 the same the person receiving the highest number of votes shall be declared the
 9 nominee to oppose the present incumbent.

10 At such special election if some other person than the incumbent receives
 11 the highest number of votes, the incumbent shall thereupon be deemed removed
 12 from office upon the qualification of his successor. In case the party who re-
 13 ceives the highest number of votes should fail to qualify, within ten days after
 14 receiving notice of his election, the office shall become vacant, and the council
 15 shall proceed to fill the same, as in other vacancies: *Provided*, that the incum-
 16 bent whose successor was elected and failed to qualify shall not be appointed to
 17 fill such vacancy.

Sec. 46. No recall or removal petition shall be filed against any officer
 2 until he has actually held office for at least three months.

Sec. 47. No person who has been recalled or removed from an elective
 2 office, or who has resigned from such office while recall or removal proceedings
 3 were pending against him, shall be appointed or elected to any office in said
 4 city, within one year after such recall or resignation.

INITIATIVE.

Sec. 48. Any proposed ordinance may be submitted to the council by peti-
 2 tion signed by electors of the city or village, equal in number to the percentage
 3 hereinafter required. The signatures, verification, authentication, inspection,
 4 certification and submission of such petition shall be the same as provided for
 5 petitions under section 43 hereof: *Provided*, such petition shall be filed with
 6 the city or village clerk.

7 If the petition accompanying the proposed ordinance be signed by electors
 8 equal in number to twenty-five per centum of the votes cast for all candidates
 9 for mayor at the last preceding general municipal election, and contains a re-
 10 quest that the said ordinance be submitted to a vote of the people if not passed
 11 by the council, such council shall either

12 (a) Pass such ordinance without alteration within thirty days after the
 13 filing of the same with the clerk, or

14 (b) Forthwith after thirty days from the time of filing such petition, shall
 15 have expired, the council shall call a special election, unless a general municipal
 16 election occurs within ninety days thereafter, and at such special or general
 17 election, such ordinance shall be submitted without alteration to the vote of the
 18 electors of said city.

19 But if the petition is signed by not less than ten nor more than twenty-five
 20 per centum of the electors above defined, then the council shall within thirty
 21 days after such petition is filed, pass said ordinance without change or submit
 22 the same at the next general municipal election occurring not more than ninety
 23 days after the filing of such petition.

24 The ballots used when voting upon said ordinance shall contain these words
 25 "Shall the ordinance (stating the nature of the proposed ordinance) be
 26 adopted," and shall otherwise comply with section 16, and the amendments
 27 thereto, of an Act entitled 'An Act to provide for the printing and distribution
 28 of ballots at public expense, and for the nomination of candidates for public of-
 29 fices, to regulate the manner of holding elections, and to enforce the secrecy
 30 of the ballot, Approved June 22, 1891. In force July 1, 1891.' Such proposi-
 31 tion shall be submitted on a separate and distinct ballot, except as otherwise
 32 provided in this Act.

33 If a majority of the qualified electors voting on the proposed ordinance shall
 34 vote in favor thereof, such ordinance shall thereupon become a valid and bind-

35 ing ordinance of the city; and any ordinance proposed by petition or which
 36 shall be adopted by a vote of the people, can not be repealed or amended except
 37 by a vote of the people.

38 Any number of proposed ordinances may be voted upon at the same election,
 39 in accordance with the provisions of this section; but there shall not be more
 40 than one special election in any period of six months for such purpose alone:
 41 *Provided, however,* two or more proposed ordinances may be submitted separ-
 42 ately on the same ballot.

43 The council may submit a proposition for the repeal of any such ordinance
 44 or for amendments thereto, to be voted upon at any succeeding general city or
 45 village election; and should such proposition so submitted receive a majority
 46 of the votes cast thereon at such election, such ordinance shall thereby be re-
 47 pealed or amended accordingly. Whenever any ordinance or proposition is re-
 48 quired by this Act to be submitted to the voters of the city or village at any
 49 election, the city or village clerk shall cause such ordinance or proposition to be
 50 published once in each of the daily newspapers of general circulation published
 51 in said city or village or, in case there is no daily newspaper published in said
 52 city or village, then once in each weekly or semi-weekly newspaper published in
 53 said city or village, and if there is no newspaper published in said city or vil-
 54 lage, then by posting a printed copy of such ordinance or proposition in each of
 55 the voting precincts in such city or village or, as near as possible to the polling
 56 place therein; such publication or posting to be not more than twenty nor less
 57 than five days before the submission of such proposition or ordinance to be voted
 58 upon.

REFERENDUM.

Sec. 49. No ordinance passed by the council, except when otherwise required
 2 by the general laws of the State or by the provisions of this Act, except an or-

3 dinance for the immediate preservation of the public peace, health or safety,
 4 which contains a statement of its urgency and is passed by a two-thirds vote of
 5 the council, shall go into effect before fifteen days from the time of its final
 6 passage, and if during said fifteen days a petition signed by electors of the city
 7 or village equal in number to at least ten per centum of the entire vote cast for all
 8 candidates for mayor at the last preceding general municipal election at which
 9 a mayor was elected, protesting against the passage of such ordinance, be pre-
 10 sented to the council, the same shall thereupon be suspended from going into
 11 operation, and it shall be the duty of the council to reconsider such ordinance;
 12 and if the same is not entirely repealed, the council shall submit the ordinance
 13 as provided in sub-section (h) of section 48 of this Act, to a vote of the electors
 14 of the city or village, either at the general election or at a special election to
 15 be called for that purpose; and such ordinance shall not go into effect or become
 16 operative unless a majority of the qualified electors voting on the same shall
 17 vote in favor thereof. Said petition shall be in all respects in accordance with
 18 the provisions of said section 48, except as to the percentage of signers.

Sec. 50. Any city or village which shall have operated for more than six (6)
 2 years under the provisions of this Act may abandon such organization here-
 3 under and accept the provisions of the general law of the State then applicable
 4 to cities and villages, by proceeding as follows:

5 Upon the petition of not less than twenty-five per cent of the electors of
 6 such city the following proposition shall be submitted at a general municipal
 7 election, to-wit: "Shall the city of (or the village of)
 8 abandon its organization under the commission form of municipal government
 9 and become a city (or village) under the general law." If a majority of the
 10 votes cast at such election be in favor of such proposition, the officers elected
 11 at the next succeeding bi-ennial election shall be those then prescribed by the
 12 Act to which this Act is an amendment, and upon the qualification of such offi-

13 cers, such municipality shall become a city or village as it was at the time of the
 14 adoption of this Act by such city or village; but, such change shall not in any
 15 manner or degree affect the property, rights or liabilities of any nature of such
 16 municipality, but shall merely extend to such change in its form of government.
 17 The first set of aldermen or president and board of trustees so elected shall be
 18 the same number as provided for in such municipality at the time of its adop-
 19 tion of this Act, with the same ward and precinct boundaries, and shall also have
 20 the same elective officers as before.

21 The petition contemplated by this section shall be the same, the election or-
 22 dered and conducted and the results declared generally as provided for in sec-
 23 tion 43 of this Act, in so far as the provisions thereof may be applicable.

PENALTIES.

Sec. 51. All penalties for violating any of the provisions of this Act, shall be
 2 considered cumulative and not in lieu of other penalties provided by law.

OATHS AND BONDS.

Sec. 52. The mayor and commissioners and all officers, elected or ap-
 2 pointed, shall, before entering upon the duties of their respective offices, take and
 3 subscribe the oath or affirmation prescribed by the constitution; which oath or
 4 affirmation, so subscribed, shall be filed in the office of the city or village clerk.

Sec. 53. The mayor and each commissioner, city or village clerk and city or
 2 village treasurer, and such other officers and employes as the council may desig-
 3 nate by ordinance, shall, before entering upon the duties of their respective
 4 offices, execute bond with bonding company security to be approved by the coun-
 5 cil, payable to the city or village in such penal sum as may, by resolution or or-

6 dinance, be directed, conditioned for the faithful performance of the duties of the
 7 office and the payment of all moneys received by such officer, according to law
 8 and the ordinances of said city or village: *Provided, however,* the bonds of the
 8 mayor and of the commissioners shall be approved by the judge of the county
 9 court of the county in which such city or village or the greater part thereof is
 10 located, and shall not be fixed at a less sum than three thousand dollars (\$3,000.00): *Provided, further,* that the premiums for all officers' bonds shall be paid
 12 for by the municipality.

13 The bonds of the mayor and commissioners shall be filed in the office of the
 14 county clerk of such county and be by him recorded in his office and carefully
 15 preserved.

16 The bonds of all other officers of such city or village (except the city or vil-
 17 lage clerk) shall be filed in the office of city or village clerk, and be by him re-
 18 corded in his office and carefully preserved. The bond of the city or village
 19 clerk shall be filed in the office of the city or village treasurer and be by him re-
 20 corded in such office and carefully preserved: *Provided, further,* the treasurer's
 21 bond shall in no case be fixed at a less sum than the amount of the estimated tax,
 22 special assessment, special tax, license fee and receipts of the city or the city or
 23 village from all sources for the current year.

Sec. 54. Any town or village or city having a special charter or any area of
 2 contiguous territory not exceeding two square miles, which shall have resident
 3 thereon a population of at least 300 inhabitants and which is not included in the
 4 limits of any incorporated town, village or city which may take steps to organize
 5 as a village or city under the Act to which this is an amendment, in addition to
 6 voting upon said proposition to so organize, shall also vote at the same election
 7 upon the question of adopting this Act and shall have printed on the same bal-
 8 lot a proposition in the following form:

<p>“Shall the city (or village, as the case may be,) of (here insert the name of such city or village) adopt the commission form of municipal government?”</p>	Yes.	
	No.	

9 Such proposition shall be voted upon in the manner as near as may be pro-
10 vided by section 16 of an Act entitled. “An Act to provide for the printing and
11 distribution of ballots at public expense and for the nomination of candidates for
12 public offices, to regulate the manner of holding elections, and to enforce the
13 secrecy of the ballot. Approved June 22, 1891. In force July 1, 1891.”

14 And if such last named proposition is adopted by a majority vote of such
15 municipality or territory also votes to organize as a city or village under the
16 general law, then this Act shall apply to such city or village and it shall be
17 deemed to be organized under this law, otherwise not.

 Sec. 55. In the construction of this Act the following rules shall be ob-
2 served, unless such construction would be inconsistent with the manifest intent,
3 or repugnant to the context of the statute:

4 (a) The words “Commissioner” or “Alderman” or “Village Trustees”
5 shall be construed to mean commissioner when applied to duties under the Act
6 to which this is an amendment.

7 (b) When an office or officer is named in any law referred to in this Act. it
8 shall, when applied to cities or villages under this Act, be construed to mean the
9 office or officer having the same functions or duties under the provisions of this
10 Act, or under ordinances passed under authority thereof.

11 (c) The word “council” shall be considered synonymous with “city coun-
12 cil” or “president and board of trustees.”

13 (d) The word “franchise” shall include every special privilege or right
14 in the streets, alleys, highways, bridges, subways, viaducts, air, waters, public

15 places and public property, whether granted by the State or the city or village,
 16 which does not belong to the citizens generally by common right.

17 (e) The word "electors" shall be construed to mean persons qualified to
 18 vote for elective officers at municipal elections.

19 (f) The word "city" where used in this Act shall include village.

20 (g) The term "municipal" or "municipality" where used herein shall
 21 mean either city or village.

22 (h) The word "treating" shall be construed to mean the entertaining of
 23 person or persons with food, drink, tobacco or drugs.

24 (i) The word "treats" shall be construed to mean the food, drink, tobacco
 25 or drugs, requested, offered, given or received in treating or for entertainment of
 26 a person or persons.

Sec. 56. All Acts and parts of Acts in conflict with the provisions hereof
 2 are hereby rendered inoperative in such cities or villages as shall adopt this Act
 3 so long as they remain under this Act: *Provided, however,* nothing contained in
 4 this Act shall in any way repeal, amend or affect the law pertaining to the mak-
 5 ing of local improvements under the provisions of an Act entitled, "An Act con-
 6 cerning local improvements," approved June 14, 1897, and all Acts amenda-
 7 tory thereto: *And, provided, further,* that this Act shall not repeal, amend or af-
 8 fect any of the provisions of chapter 105 entitled "Parks," but all the several
 9 Acts therein contained shall be and remain of the same effect as if this Act had
 10 not been adopted.

- 1 Introduced by Mr. Lawrence, March 19, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act entitled, "An Act to repeal section thirty-one (31) of an Act entitled, 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' " approved April twenty-eight (28), 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, as amended by an Act approved May 28, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section thirty-one (31) of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, as amended by an Act approved May 28, 1907, in force July 1, 1907, be and the same is hereby repealed.

1 Introduced by Mr. Gorman, March 19, 1909.

2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to authorize cities and villages whose limits are coterminous with the limits of any township to levy, for street purposes, a tax in addition to the tax of two per centum upon the aggregate valuation of all property within such city or village as now prescribed by law.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the city council of each incorporated city and
3 the board of trustees of each incorporated village, whether organized under the
4 general law or special charter, whose limits are coterminous with the limits
5 of any township, shall have power and may levy a tax for street purposes of
6 not to exceed six mills on the dollar, annually, on all the taxable property in such
7 city or village: *Provided*, that, if in the opinion of three-fourths of the mem-
8 bers elected to the city council or board of trustees of such city or village, a

9 greater levy for street purposes is needed in view of some contingency, an ad-
10 ditional tax (in excess of six mills) may be levied of any sum not exceeding
11 forty cents on the one hundred dollars (\$100) of the taxable property of such
12 city or village. Such tax to be levied and collected in like manner with the
13 general taxes of such city or village, and to be known as the street fund: *Pro-*
14 *vided*, that the said annual tax for street purposes shall not be included in the
15 aggregate amount of taxes as limited by section 1, of article 8, of an Act for
16 the incorporation of cities and villages, approved April 10, 1872, and the
17 amendatory Acts thereto, or by any provision of any special charter under
18 which any city or village in this State whose limits are coterminous with the
19 limits of any township is now organized.

1 Introduced by Mr. Morris, March 19, 1909.

2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to Amend section nineteen (19) of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 13 and 14, 1903, in force July 1, 1903, and as amended by Acts approved May 12, 13 and 16, 1903, in force July 1, 1903, and as amended by Acts approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section nineteen of an Act entitled, "An Act
3 to revise the laws in relation to coal mines and subjects relating thereto, and
4 providing for the health and safety of persons employed therein," approved
5 April 18, 1899, in force July 1, 1899, as amended by Acts approved
6 May 27, 1907, and in force July 1, 1907, be amended so as to
7 read as follows:

8 Sec. 19. Throughout every coal mine there shall be maintained currents
9 of fresh air sufficient for the health and safety of all men and animals
10 employed therein and such ventilation shall be produced by a fan, or some
11 other artificial means.

12 (a) AMOUNT OF AIR REQUIRED.] The quantity of air required to be kept
13 in circulation and passing a given point shall be not less than 100 cubic feet
14 per minute for each person, and not less than 600 cubic feet per minute for
15 each animal in the mine, measured at the foot of the downcast, and his quan-
16 tity may be increased at the discretion of the inspector whenever, in his
17 judgment, unusual conditions make a stronger current necessary. Said cur-
18 rents shall be forced into every working place throughout the mine, so that
19 all parts of the same shall be reasonably free from standing powder smoke
20 and deleterious air of every kind.

21 (b) MEASUREMENTS.] The measurements of the currents of air shall be
22 taken with an anemometer at the foot of the downcast, at the foot of the up-
23 cast, and at the working face of each division or split of the air-current.
24 And a record of such measurements shall be made and preserved in the office,
25 as elsewhere provided for in this Act.

26 All ventilating fans at mines shall be provided with recording instruments,
27 by which the number of revolutions or the effective ventilating pressure of
28 the fan shall be registered and a record of such registration, for each and
29 every day that men are employed in said mine, shall be kept in the office of
30 the mine for the future reference for one year from its date.

31 (c) AIR CURRENTS TO BE SPLIT.] The main current of air shall be so split
32 or subdivided as to give a separate current of reasonably pure air to every
33 100 men at work, and the inspector shall have authority to order separate cur-
34 rents for smaller groups of men, if, in his judgment, special conditions make it
35 necessary.

36 (d) VENTILATION—OF STABLES.] The air-current for ventilating the stable
37 shall not pass into the intake air current for ventilating the working parts of
38 the mine.

39 (e) SELF CLOSING DOORS.] All permanent doors in mines, used in guiding
40 and directing the ventilating currents, shall be so hung and adjusted as to
41 close automatically.

42 (f) TRAPPERS.] At all principal doorways, through which cars are
43 hauled, an attendant shall be employed for the purpose of opening and closing
44 said doors when trips of cars are passing to and from the workings. Places
45 for shelter shall be provided at such doorways to protect the attendants from
46 being injured by the cars while attending to their duties: *Provided*, that in
47 any or all mines, where doors are constructed in such a manner as to open
48 and close automatically, attendants and places for shelter shall not be re-
49 quired.

50 (g) CROSS-CUTS.] Cross-cuts shall be made not more than sixty feet apart,
51 and no room shall be opened in advance of the last open cross-cut.

52 (h) STOPPINGS.] All stoppings in cross-cuts shall be built in a substantial
53 manner with brick or other suitable building material laid in mortar or
54 cement and in no case except for temporary purposes shall they be built of
55 lumber, loose gob or any material which will have the tendency to leak.

56 (1) AUTHORITY OF INSPECTOR.] Whenever the inspector shall find men
57 working without sufficient air, he shall at once give the mine manager or oper-
58 ator notice and a reasonable time in which to restore the current, and upon
59 his or their refusal or neglect to act promptly, the inspector may order the
60 endangered men out of the mine.

- 1 Introduced by Mr. Morris, March 19, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend an Act entitled, “An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein,” approved April 8, 1899, in force July 1, 1899, as amended by Acts approved May 13 and 14, 1903 in force July 1, 1903, and as amended by the Acts approved May 12, 13 and 16, 1903, in force July 1, 1903, and as amended by Acts approved May 27, 1907, in force July 1, 1907, by adding thereto three additional sections to be known as 21a, 21b, and 21c.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That an Act entitled, “An Act to revise the laws in
3 relation to coal mines and subjects relating thereto, and providing for the
4 health and safety of persons employed therein,” approved April 8, 1899, in
5 force July 1, 1899, as amended by Acts approved May 13 and 14, 1903, in force
6 July 1, 1903, and as amended by the Acts approved May 12, 13 and 16, 1903,

7 in force July 1, 1903, and as amended by Acts approved May 27, 1907, in force
8 July 1, 1907, be and the same is hereby amended by adding thereto three ad-
9 ditional sections to be known as 21a, 21b, and 21c, said additional sections to
10 read as follows:

11 Sec. 21a. That in all coal mines in this State where electricity is or
12 hereafter shall be used, as a part of the system, power or means of mining and
13 producing coal from any of said mines, that the owner or operator of every
14 such mine shall cause all wires conducting electricity in and about said mines
15 to be carefully and thoroughly insulated and protected in a safe manner, so that
16 persons or animals coming in contact therewith will not be injured thereby:
17 *Provided, however,* that trolley wires or other wires not capable of insulation
18 shall be so placed, protected and guarded, that persons or animals coming into
19 contact with the same will not be injured thereby.

20 Sec. 21b. In all mines where mining machines are used, each of said
21 machines shall be equipped and provided with a sufficient shield to be author-
22 ized by the State Mine Inspector or county mine inspector, for the protection
23 of those employed in or about the use and operation thereof; and said shield
24 shall be kept in use constantly while said machine is under operation. •

25 Sec. 21c. Any person or corporation violating the provisions of section
26 one of this Act shall be fined not less than one hundred dollars and not more
27 than five hundred dollars for each offense, and any person or corporation
28 violating the provisions of section two of this Act shall be fined not to exceed
29 one hundred dollars for each offense.

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1. Introduced by Mr. Abbey, March 23, 1909.
 2. Read by title, ordered printed and ordered to Speaker's Table.

A BILL

For an Act authorizing and empowering employment of convicts and prisoners in the penal institutions in the State of Illinois in the manufacture of and preparing road building and ballasting material, and to provide for securing quarry sites and erection of suitable stockades and barracks, and for the transfer and detention of prisoners within such stockades and barracks by the wardens of the State penal institutions, and to repeal Acts or parts of Acts inconsistent herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the board of prison industries of the State of Illinois is authorized and empowered, and it is hereby made its duty, upon requisition of the State Highway Commission to establish and secure quarry sites with suitable enclosures and barracks wherein prisoners from the penal institutions of the State may be transferred under the charge of the wardens of those institutions, and to erect within such stockades and on such quarry sites suitable machinery for the preparation of road building materials.

Sec. 2. The wardens of the penal institutions of the State are hereby
2 authorized and empowered to transfer prisoners from institutions in which
3 they may now be confined to quarry sites and enclosures to be erected under
4 the provisions of this Act by the board of Prison industries, and to transfer
5 prisoners from the quarry sites and enclosures created under this Act to the
6 penal institutions in which such prisoner was previously detained as they may
7 deem expedient.

Sec. 3. The road building material prepared under this Act shall be dis-
2 posed of in accordance with the provisions of an Act authorizing and em-
3 powering the employment of convicts and prisoners in the penal institutions of
4 the State of Illinois in the manufacture of tile and culvert pipe for road drain-
5 ing purposes, and in the manufacture of machinery, tools and appliances for
6 the building, maintaining and repairing of the wagon roads of the State, and
7 for preparing road building and ballasting material, upon the requisition of the
8 State Highway Commission, as approved May 18, 1905, in force July 1, 1905,
9 and as amended June 3, 1907, in force July 1, 1907.

Sec. 4. All Acts or parts of Acts inconsistent herewith are hereby re-
2 pealed.

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- 1 Introduced by Mr. Abrahams, March 23, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent fraud in the sale of white lead, paint or compounds intended
for use as such.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every person, firm or corporation who manu-
3 factures for sale or exposes for sale, or sells within this State, any white lead,
4 paint or compound intended for use as such, shall label the same in clear and
5 distinct open Gothic letters upon a white background and show the true per
6 cent of each mineral constituent contained in said paint, or if other than lin-
7 seed oil is used in its preparation, the names of such oils or substitutes shall
8 be shown, together with the percentage thereof, and every person, firm or cor-
9 poration who manufactures for sale or sells within this State any mixed paint
10 or compound intended for use as such, which contains any ingredients other
11 than pure linseed oil, pure carbonate of lead, oxide of zinc, turpentine, Japan
12 drier and pure colors, shall be deemed guilty of a misdemeanor and upon con-

13 viction thereof shall, for each offense, be punished by a fine of not less than
14 twenty-five and not more than one hundred dollars and costs, or by imprison-
15 ment in the county jail not exceeding sixty days: *Provided*, that any such
16 person, firm or corporation who shall manufacture for sale or expose for sale,
17 or sell within this State, any white lead, paint or mixed paint containing in-
18 gredients other than those as above enumerated, shall not be deemed guilty of a
19 violation of this Act in case the same be properly labeled, showing the quan-
20 tity or amount of each and every ingredient used therein and not specified
21 above, and the name and residence of the person, firm or corporation by whom
22 it is manufactured.

Sec. 2. The having in possession by any person, firm or corporation deal-
2 ing in said articles, any articles or substances hereinbefore described and not
3 properly labeled, as provided by section 1 of this Act, shall be considered
4 *prima facie* evidence that the same is kept by such person, firm or corporation
5 in violation of the provisions of this Act and punished under it.

Sec. 3. The State Food Commissioner is charged with the proper enforce-
2 ment of all the provisions of this Act.

Sec. 4. The said commissioner and his assistants, experts, chemists and
2 agents shall be duly authorized for the purposes, and shall have access and
3 ingress to all places of business, factories, stores and buildings used for the
4 manufacture or sale of white lead and paints. They shall also have power and
5 authority to open any package, can, jar, tub or other receptacle containing
6 white lead or paints that may be sold, manufactured or exposed for sale, in
7 violation of the provisions of this Act.

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- 1 Introduced by Mr. Corcoran, March 23, 1909.
 - 2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to amend an Act entitled, "An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of territory so created," approved May 16, 1907, in force July 1, 1907, by adding thereto section 20, providing for just compensation to the owner or owners of dramshops located in the territory at the time such territory becomes anti-saloon territory.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled, "An Act to provide for the
3 creation by popular vote of anti-saloon territory within which the sale of in-
4 toxicating liquor and the licensing of such sale shall be prohibited, and for
5 the abolition by like means of territory so created," approved May 16, 1907,
6 in force July 1, 1907, be and the same is hereby amended by adding thereto
7 to be designated and known as section 20, the following:

8 Sec. 20. The owner or owners of all licensed dramshops located in anti-
9 saloon territory at the time such territory becomes anti-saloon territory, shall,
10 notwithstanding such anti-saloon territory or anything in this law contained,
11 be entitled to sell or give away intoxicating liquor in any such dramshops dur-
12 ing the unexpired period covered by the dramshop licenses theretofore issued,
13 and such owner or owners of such licensed dramshops shall be entitled to a
14 renewal, from time to time, of their dramshop licenses, unless and until such
15 owner or owners shall have first received and been paid a true and just com-
16 pensation for all damages suffered by or done to the property wherein such
17 dramshops are conducted and to such dramshops' business, resulting from or
18 in consequence of the creation of such anti-saloon territory. Such true and
19 just compensation shall be ascertained, as near as practicable, in the manner
20 prescribed in "An Act to provide for the exercise of the right of eminent do-
21 main," approved April 10, 1872, in force July 1, 1872.

 Sec. 2. Any and all provisions contained in said Act approved May 16,
2 1907, in force July 1, 1907, in conflict with the provisions herein contained are
3 hereby repealed.

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to consolidate in the government of the city of Chicago the powers now vested in local authorities having jurisdiction within the territory of said city, to make additional provisions concerning parks and local improvements and to provide revenue.

ARTICLE I.

CONSOLIDATION.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* All powers not abrogated by this Act which are not
3 vested in the city, board of education, township, park or other local govern-
4 ments and authorities having jurisdiction confined to or within the territory of
5 the city of Chicago, or any part thereof, shall be consolidated in the municipal
6 government of the city of Chicago, and for that purpose all municipal corpora-
7 tions other than the city of Chicago, whose jurisdiction is confined as aforesaid.

8 and their corporate authorities, shall be dissolved and abrogated and shall be
9 merged in and united with the city of Chicago (except that towns or townships
10 shall be deemed to continue in existence only in so far as their continued exist-
11 ence may be necessary to the collection of taxes); and the city of Chicago shall
12 be the successor of said corporations, with all their property and corporate
13 rights and subject to all their lawful debts, obligations and liabilities, whether
14 such rights or liabilities be accrued or contingent. No town or park district
15 shall hereafter be formed under general laws now in force, so as to be located
16 entirely or partly within the limits of the city of Chicago.

17 Upon the annexation hereafter to the city of Chicago of any territory con-
18 taining within its boundaries the whole of any township, school or park district,
19 or other municipal corporation, or any part of any such corporation, the re-
20 maining portion of which is already situated within the territory of the city,
21 the local government and authorities of such township, school or park district,
22 or other municipal corporation thus becoming included entirely within the city,
23 shall, if the majority of the voters of such corporation voting upon the ques-
24 tion consent to such annexation, be consolidated in the municipal government
25 of the city of Chicago, and such corporation and its corporate authorities shall
26 thereupon be dissolved and abrogated, subject in every respect to the provi-
27 sions of this article. The election commissioners shall, if necessary, furnish
28 separate ballot boxes in which the votes of the voters residing within the terri-
29 tory of any such corporation may be received, in order that they may be sepa-
30 rately counted and returned.

31 Nothing in this section contained shall be construed to apply to sanitary,
32 drainage, improvement, or forest preserve districts.

Sec. 2. The city of Chicago, as it shall be organized under this Act, shall
2 be deemed to be the same corporation and be subject to all laws now in force
3 not abrogated or modified by this or any other Act especially relating to said

4 city, and shall continue to be vested with the same rights and property of every
5 description, and to be subject to the same obligations and liabilities, accrued or
6 contingent, as the city of Chicago as at present organized, and no legal pro-
7 ceeding to which the city is a party shall be affected by the change of organi-
8 zation, and all legal proceedings instituted by or in the name of or against any
9 of the corporations or corporate authorities hereby abrogated shall be con-
10 tinued without abatement by or against the city of Chicago, either in the name
11 of the city of Chicago or in the name by which they were instituted.

12 When a different remedy is given by this Act which may properly be made
13 applicable to any right existing at the time this Act takes effect, the same
14 shall be deemed cumulative to the remedies before provided and may be used
15 accordingly.

Sec. 3. All legal acts lawfully done by or in favor of any of the corpora-
3 tions or corporate authorities hereby consolidated shall be and remain as valid
3 as though this Act had not been passed. This provision shall especially apply
4 to contracts, grants, licenses, warrants, orders, notices, appointments and offi-
5 cial bonds, but shall not affect any existing or contingent right to modify, revoke
6 or rescind such Acts.

Sec. 4. All fines, penalties and forfeitures incurred or imposed before this
2 Act takes effect for violation of the ordinances, by-laws or rules of any of the
3 local authorities hereby consolidated, shall be enforced or collected by or under
4 the authority of the city.

Sec. 5. All causes of action accrued before this Act takes effect in favor
2 of or against any of the corporations or corporate authorities hereby abro-
3 gated may be prosecuted by or against the city of Chicago.

Sec. 6. All taxes and special assessments lawfully levied before this Act
2 takes effect, by any of the local authorities hereby consolidated, shall be col-

3 lected as if they had been lawfully levied by or under the authority of the city
4 of Chicago.

Sec. 7. All powers of taxation or assessment that may have become part
2 of any contract of indebtedness incurred or entered into by any of the corpo-
3 rations hereby consolidated with the city of Chicago shall be preserved only
4 in so far as their exercise may become necessary to save and protect or en-
5 force the rights of creditors, or those holding obligations created in view or
6 respect of any tax, assessment or power of taxation or assessment, and in the
7 event of any such powers so becoming necessary, shall be exercised by the
8 corporate authorities of the city of Chicago to the same extent as the corpo-
9 rate authorities contracting such indebtedness would have been bound to exer-
10 cise the same.

Sec. 8. All lawful ordinances, resolutions, by-laws, orders or rules in force
2 in the city of Chicago or in any portion thereof at the time this Act takes effect
3 and not inconsistent with the provisions of this Act, whether enacted by author-
4 ity of the city or by any other authority, shall continue in full force and effect
5 until repealed or amended, notwithstanding any change of organization effected
6 by this Act.

Sec. 9. Any property or funds held by any of the corporate authorities
2 hereby dissolved upon any trust or subject to any charge, shall be held by said
3 city upon the same trust and subject to the same charge. The proceeds of
4 taxes or assessments levied and of all bonds or warrants issued and of all
5 license fees, rates or charges imposed before this Act takes effect, shall be ap-
6 plied to the purposes for which they were levied, issued or imposed.

Sec. 10. The present board of park commissioners and park boards shall
2 continue to perform their official functions until the boards of park commis-

3 sioners herein provided for shall have been organized; and shall thereupon be
4 abrogated.

All offices of the township governments hereby consolidated shall be abro-
2 gated by the adoption of this Act. except so far as their legal continuance may
3 be necessary to the collection of taxes.

Sec. 11. All officers ceasing to hold office shall deliver and turn over to
2 the officers upon whom their powers and duties devolve, all papers, records
3 and property of every kind in their possession and custody by virtue of their
4 office, and shall account to them or to any authority designated by the city
5 council for all funds, credits or property of any kind with which they are prop-
6 erly chargeable.

Sec. 12. Except as herein expressly otherwise provided, the tenure of
2 office of no officer and the terms of employment of no employe of the pres-
3 ent city government or of any of the local governments or corporate authorities
4 hereby consolidated with the city of Chicago shall be affected by such consolida-
5 tion or by the abrogation of the authority under which he holds office or by the
6 taking effect of this Act, and all the present employes and police officers of
7 the park boards shall be subject to the provisions of the civil service law with-
8 out original examination.

Sec. 13. So far as the provisions of this Act are the same in terms or in
2 substance and effect as the provisions of the laws which this Act supersedes,
3 they shall be construed as continuations of such provisions and not as new
4 enactments.

ARTICLE II.

REVENUE.

Section 1. The city council of the city of Chicago shall, annually, not later
2 than the first quarter of the fiscal year, by ordinance, levy a general tax on

3 real and personal property not exempt from taxation for corporate purposes.
4 including general city, school, park and library purposes, not exceeding in the
5 aggregate, exclusive of the amounts levied for the payment of bonded indebted-
6 ness and the interest on bonded indebtedness, 5 per centum of the assessed value
7 (such 5 per centum being 1 per centum of the full value) of the taxable prop-
8 erty within said city as assessed and equalized according to law for municipal
9 purposes. The said city council in its annual levy shall specify the respec-
10 tive amounts levied for the payment of bonded indebtedness and interest on
11 bonded indebtedness, the amount levied for general city purposes, the amount
12 levied for educational purposes, the amount levied for school building purposes,
13 the amount levied for park purposes and the amount levied for library pur-
14 poses. A certified copy of such ordinance shall be filed in the county clerk's
15 office. The county clerk shall extend upon the collector's warrant all of such
16 taxes, subject to the limitation herein contained, in a single column as the city
17 of Chicago tax. In case the aggregate amount levied, exclusive of the amounts
18 levied for the payment of bonded indebtedness and the interest on bonded in-
19 debtedness shall exceed 5 per centum of such assessed value, such excess shall
20 be disregarded, and the residue only treated as certified for extension. In such
21 case all items in such tax levy, except those for the payment of bonded in-
22 debtedness and the interest on bonded indebtedness, shall be reduced pro rata.
23 The rate so fixed shall not be further impaired by reason of the requirements
24 of "An Act concerning the levy and extension of taxes," approved May 9,
25 1901, as amended by Act approved March 29, 1905, but after all reductions have
26 been made proportionately, as required by said Act, shall be restored to the
27 figure of percentage fixed under the provisions of this section. The taxes levied
28 shall be collected and enforced in the same manner and by the same officers
29 as State and county taxes, and shall be paid over by the officers collecting the
30 same to the city treasurer. The city treasurer of the city of Chicago shall

31 keep separate funds in conformity to said tax levy, which funds shall be paid
32 out by him, upon order of the proper authority for the purposes only for
33 which the same were levied.

Sec. 2. The board of education, the board of park commissioners and the
2 library board of the city of Chicago shall respectively upon the request of
3 the city council prepare and transmit to it, annually, statements of their re-
4 ceipts and expenditures for the preceding fiscal year, stating therein the
5 sources of such receipts and the several objects or purposes of such expenditures.
6 They shall also respectively upon such request prepare and transmit to the city
7 council estimates of their expenditures for the ensuing fiscal year, stating there-
8 in the several objects and purposes of such expenditures.

Sec. 3. The city council shall have power to impose a license tax upon all
2 persons, firms or corporations holding or using franchises or privileges wholly
3 or in part within the city.

Sec. 4. Whenever a street or alley shall have been paved before this Act
2 shall have taken effect, and either the cost of said paving been imposed in whole
3 or in part upon property by special assessment or special taxation, or the work
4 of paving been taken by the owners in pursuance of the provisions of section 80
5 of "An Act concerning local improvements," approved June 14, 1897, and such
6 street or alley shall be repaved thereafter, not more than ninety per centum of
7 the total cost of said repaving shall be imposed upon property by special assess-
8 ment or special taxation.

9 Whenever a street or alley shall have been paved after the passage of this
10 Act by the General Assembly, and a special assessment or special tax therefor
11 shall have been confirmed and such special assessment or tax, or if divided into
12 installments, the first installment shall have been certified for collection, or
13 where, after the passage of this Act, such paving shall have been done by the

14 owners of the abutting property in accordance with the provisions of section 80
15 of "An Act concerning local improvements," approved June 14, 1897, not more
16 than fifty (50) per cent of the cost of repaving such street or alley at any fu-
17 ture time shall be imposed upon property by special assessment or special tax-
18 ation.

19 The provisions of this section shall not apply if the repaving is petitioned
20 for by the owners of the greater portion of the frontage abutting upon the
21 street or alley or portion thereof to be repaved, and if such petition contains a
22 consent that more than the percentage hereby fixed of the cost of repaving may
23 be imposed upon property by special assessment or special taxation.

ARTICLE III.

INDEBTEDNESS.

Section 1. The city of Chicago may become indebted for municipal purposes
2 to an amount (including its existing indebtedness and the indebtedness of the
3 municipal corporations consolidated with the government of the city and whose
4 indebtedness the city has assumed by this Act, and the city's proportionate
5 share of the indebtedness of the county of Cook and of the Sanitary District of
6 Chicago, which shall be determined as hereinafter provided) in the aggre-
7 gate not exceeding four per centum of the full value of the taxable property
8 within its limits as ascertained by the last assessment for State or municipal
9 purposes previous to the incurring of such indebtedness.

Sec. 2. For the purpose of determining such aggregate indebtedness the
2 city's proportionate share in the indebtedness of the county of Cook shall bear
3 the same ratio to the entire existing indebtedness of the county of Cook as the
4 value of the taxable property within the city of Chicago bears to the value of the
5 taxable property in the entire county of Cook, as ascertained by the last assess-
6 ment for municipal and county purposes, respectively, previous to the incur-

ring of such indebtedness. The amount of the indebtedness of the county of Cook shall upon request of the city comptroller be certified to such comptroller by the county clerk of Cook county under the seal of the board of county commissioners. If the city comptroller questions the correctness of such certificate, the amount of the county's indebtedness may be determined summarily by the circuit court of Cook county upon proceedings brought by the city against the county for that purpose. The certificate of the county clerk or the judgment of the circuit court, as the case may be, shall be recorded in the office of the recorder of deeds of Cook county and the amount thus recorded shall be conclusive as to the city's proportionate share in the indebtedness of the county of Cook for the purposes herein contemplated.

Sec. 3. For the purpose of determining such aggregate indebtedness, the city's proportionate share of the indebtedness of the Sanitary District of Chicago shall bear the same ratio to the entire existing indebtedness of the said Sanitary District as the value of the taxable property of that portion of the city lying within said Sanitary District bears to the value of the whole taxable property in said Sanitary District, as ascertained by the last assessment for municipal or Sanitary District purposes, respectively, previous to the incurring of such indebtedness. The amount of indebtedness of the Sanitary District shall, upon request of the city comptroller, be certified to such comptroller by the clerk of the board of trustees of the Sanitary District under the seal of such board. If the city comptroller questions the correctness of such certificate the amounts in dispute may be determined summarily by the circuit court of Cook county upon proceedings brought by the city of Chicago against the Sanitary District for that purpose. The certificate of the clerk of the Sanitary District or the judgment of the circuit court, as the case may be, shall be recorded in the office of the recorder of deeds of Cook county and the amount thus recorded shall be con-

17 clusive as to the city's proportionate share in the indebtedness of the Sanitary
18 District of Chicago for the purposes herein contemplated.

Sec. 4. For the purpose of raising funds or securing any indebtedness
2 the city council may issue interest bearing coupon bonds, either registered or
3 payable to bearer, or other evidences of indebtedness or obligations, pledging
4 the faith and credit of the city for their payment. Such issue shall be author-
5 ized by ordinance, stating the amount of the issue and the purpose or purposes
6 for which such bonds or obligations are to be issued. Such bonds or obliga-
7 tions shall be issued in such denominations, payable in currency or in gold
8 or silver coin, bearing such rate of interest, payable quarterly, semi-annually
9 or annually, not exceeding six per cent per annum, and payable at such time
10 or times, not exceeding twenty years from the date of issue, and at such place
11 or places and with such conditions as to optional payment before maturity, as
12 the ordinance authorizing the issue may prescribe. Each such bond or obliga-
13 tion shall bear the signature of the mayor and the city comptroller; and if
14 according to the provisions of this Act, the issue of which the bond forms a
15 part, is authorized only with the consent or upon request or application of any
16 particular department of the city, it shall also bear upon its face, or have en-
17 dorsed upon it, a certificate of such consent, request or application, bearing
18 the signature (which may be engraved or otherwise manifolded in *fac simile*)
19 of the presiding officer of such department, and such certificate shall be con-
20 clusive as to the fact of such consent, request or application. Bonds or other
21 obligations shall not be issued at less than par value.

Sec. 5. The city council shall, before or at the time of authorizing such
2 bond issue, by ordinance provide for the collection of a direct annual tax suffi-
3 cient to pay the interest on such bonds as it falls due, and also to pay and dis-
4 charge the principal thereof at the time such principal shall fall due.

Sec. 6. The city shall have the authority, out of any moneys in any sinking fund that may be provided for the retirement of such bonds or obligations, to purchase, in open market, any of such bonds or obligations at the fair market value thereof.

Sec. 7. Except as provided in the section next following, no ordinance authorizing the issue of bonds or other obligations shall take effect unless and until the same shall have been submitted to the voters of the city and approved by a majority of such voters voting upon the question.

Sec. 8. Bonds may be issued to refund any bonded indebtedness without submission to popular vote.

Sec. 9. The failure to comply with any of the requirements herein contained with reference to the form or manner of issuing bonds or other obligations of the city shall not invalidate any such bond or obligation in the hands of a holder for value, if the same constitutes equitably a charge against the city, or if the same would be valid if issued by a private corporation under similar conditions; but upon such failure appropriate proceedings may be brought to restrain the issue of such bonds or to compel compliance with the law.

Sec. 10. The city of Chicago, by the acceptance of this Act, assumes the indebtedness of all local governments hereby consolidated with it, including any bonds issued under statutes intended to apply to particular corporate authorities.

ARTICLE IV.

PARKS.

Section 1. The term parks, as used in this Act, shall be held to include all lands improved as parks or held or set apart for future improvement as

3 parks or forest preserves, city squares or commons placed under the man-
4 agement of the department of parks, structures placed in or on the boundary
5 line of the parks or erected for their protection, such as walls and breakwaters,
6 all waters and beaches placed under the control of the department of parks,
7 all driveways, boulevards and other streets placed under the control of the de-
8 partment of parks, and all other open public places used for purposes of rec-
9 reation or pleasure of the public, unless established for the use of any other
10 city department and paid for out of the funds appropriated for such depart-
11 ment, with all appurtenances belonging to a fully equipped park system. The
12 terms parks, city parks, or parks of the city, shall include all such lands,
13 whether situated within or outside of the city limits of the city of Chicago.

Sec. 2. The parks of the city shall be under the management and control
2 of a city department of parks, at the head of which there shall be a board of
3 park commissioners of the city of Chicago. The department of parks shall
4 take charge of all parks heretofore managed by park boards or boards of
5 park commissioners.

Sec. 3. The board of park commissioners shall consist of nine members
2 appointed by the mayor with the consent of two-thirds of all the members of
3 the city council. Three of the members of said board shall be residents of that
4 portion of the city lying north and east of the Chicago river; three members
5 shall be residents of that portion of the city lying south and east of the Chicago
6 river, and the three remaining members shall be residents of that portion of
7 the city lying west of the Chicago river, at the time of their appointment and
8 during their term of office. Of the commissioners first appointed one of the
9 members from each of said three portions of the city shall be appointed for a
10 term of two years, another for a term of four years, and a third for a term of
11 six years, and upon the expiration of the term of each member his successor
12 shall be appointed for a term of six years.

Sec. 4. The park commissioners shall serve without compensation.

Sec. 5. The board of park commissioners shall elect a president from their own number, who shall hold office for a term of one year.

The ayes and nays shall be taken and entered on the records of the proceedings of the board of all questions involving the expenditure of money.

Sec. 6. The board of park commissioners shall annually, or oftener, as required, make a report to the city council of the physical and financial condition of the parks.

Sec. 7. The board of park commissioners shall have power to appoint a superintendent of parks, a consulting landscape gardener, a head gardener, and a head animal keeper, and shall also have the power to appoint or provide for the appointment of all employes that may be necessary for the efficient management of the department and to fix their compensation, subject to the power over appropriations vested in the city council.

Sec. 8. The city of Chicago shall be vested with all powers heretofore granted to any park boards or park commissioners whose authority is abrogated by this Act, and which powers have not heretofore lapsed or expired and are not inconsistent with the provisions of this Act; and all powers now existing with regard to any of said parks to enlarge the same by reclaiming submerged lands under public waters in this State and all powers and rights incidental thereto shall extend to the submerged lands under any and all public waters within the jurisdiction of or bordering upon the city of Chicago, for the benefit of all present and future parks in the city.

All such powers except as herein otherwise provided shall be exercised on behalf of the city by the board of park commissioners.

Sec. 9. The city shall have power to acquire by dedication, gift, purchase,
2 or condemnation, lands or easements inside or outside of the city limits, for
3 park purposes, and for ways connecting parks with the city or with each other.

Sec 10. The city council, on recommendation of the board of park com-
2 missioners, shall have power to extend the park system of the city of Chicago,
3 both within and outside of the city limits, by adding to or otherwise en-
4 larging any parks, and by opening and establishing new parks, and by ex-
5 tinguishing or acquiring such title to, or such easements and rights in or over
6 any lands abutting on or in the vicinity of any existing or projected park as
7 may be necessary or appropriate to control the surroundings of such park so
8 as to increase the advantage thereof to the public or secure to the public the full
9 benefit, use and enjoyment thereof. For any such purpose the city may ex-
10 tinguish easements or rights in land and may acquire lands and easements and
11 rights in or over land, by gift, devise, dedication, purchase or condemnation,
12 and may, in its discretion, take under the power or eminent domain or other-
13 wise the title in fee simple absolute to any land which the city is authorized
14 to acquire, or in or over which it is authorized to acquire easements and rights
15 as aforesaid, and such title shall not terminate or be defeated by cessation or
16 abandonment of the use for which it was acquired. The declaration of the
17 city council that any such lands or easements or rights in or over land are nec-
18 essary or appropriate for any such purpose shall constitute sufficient *prima*
19 *facie* evidence of such necessity or appropriateness. The city council may
20 vacate streets and alleys within the limits of or adjacent to any lands acquired
21 for the purpose of this section.

Sec. 11. The city council shall have the power, with the consent of the board
2 of park commissioners to select and set apart any street or streets of city or
3 portion thereof for a boulevard or driveway, to be placed under the manage-

4 ment and control of the board of park commissioners, subject to the power of
5 the city council to authorize the laying of sewers and water pipes, and shall also
6 have the power, with the consent of said commissioners, to discontinue the use
7 of such streets as boulevards or any part thereof and resume control over
8 them as city streets. No street or portion thereof shall be changed into a boule-
9 vard without the consent of the owners of the greater portion of the frontage
10 of the lots abutting upon such street or boulevard or portion of street or boule-
11 vard.

12 The board of park commissioners shall have authority to enter into contracts
13 with owners of property abutting upon any boulevard whereby such owners
14 in consideration of the location or continuance of such boulevard may bind
15 themselves to make annual contributions towards the maintenance and repair
16 of the same. Such contracts if so provided therein, shall operate as covenants
17 running with the land and when recorded in the office of the recorder of deeds
18 of Cook county in accordance with law, the amounts agreed to be paid shall
19 constitute liens upon the property to which such contract relates; but the lien
20 of the amount of any payment under such contract shall expire six months from
21 the time when it is due, unless before the expiration of that period suit is
22 brought to enforce it.

Sec. 12. The city council may, with the consent of two-thirds of all the
2 members of the board of park commissioners, discontinue any parks or any
3 portion thereof by a vote of three-fourths of its members, and may dispose of
4 the lands and property the use of which has been so discontinued in the man-
5 ner provided by statute for the disposition of other city property which ceases
6 to be used for city purposes. This section shall not apply to the discontinuance
7 of a boulevard when such boulevard is reconverted into a street. Submerged
8 lands reclaimed for park purposes may, if discontinued in accordance with this
9 section, be devoted to such purposes as the city council shall direct.

10 Personal property, other than chattels real, belonging to the department
11 and no longer needed for its purposes may be sold by it under such regulations
12 as the city council may prescribe.

 Sec. 13. The provisions in this Act contained authorizing the city to ac-
2 quire the absolute title in fee simple to lands in or over which the city is author-
3 ized to acquire easements or rights, shall be subjected to the provision that
4 any lands so taken for such purpose shall, unless appropriated to some public
5 use, within ten (10) years after acquisition of the title thereto, be sold and dis-
6 posed of by the city in the manner now or hereafter provided by statute for
7 the sale and conveyance of property no longer required for the use of the city,
8 subject, however, to such easements or rights in said lands, and to such conditions,
9 covenants and restrictions respecting the use or improvement thereof as the
10 city, upon recommendation of the board of park commissioners, shall, in the
11 deed of conveyance, impose or reverse, and subject further to the power (which
12 is hereby granted) of the city council with the consent of the board of park
13 commissioners to release, waive or (by or with the consent of the grantee or
14 owner of the conveyed premises) alter any such easements, rights, conditions,
15 covenants or restrictions.

 Sec. 14. The city shall have authority to acquire and hold lands for the
2 erection and maintenance thereon of public buildings of the city and for public
3 grounds surrounding such buildings or connected therewith, and shall have the
4 right to permit buildings of the county of Cook, the State of Illinois, the United
5 States of America or other governmental or public bodies to be erected and
6 maintained on such lands and grounds upon such terms and conditions as the
7 city council may prescribe. Subject to such use, the board of park commission-
8 ers shall, when directed by the city council, have the same power to manage
9 and control, improve, maintain and beautify such lands and grounds, as is in

10 this Act conferred upon said board with respect to parks; and for any of the
11 purposes hereinbefore in this section specified the city may acquire or dispose
12 of the title to or rights in lands or rights or easements in or over lands abut-
13 ting on or in the vicinity of such lands or public grounds in like manner and
14 to like extent as is in this Act provided with respect to parks.

Sec. 15. The city council may, upon the recommendation of the board of
2 park commissioners, establish by ordinance all needful rules and regulations
3 for the government and protection of the public parks. Such ordinance may
4 provide for excluding from such park all funeral processions, hearses, traffic
5 teams, through teaming and all objectionable travel and traffic, and may regu-
6 late the speed of vehicles in the parks.

7 General city ordinances now in force or hereafter enacted shall be pre-
8 sumed not to apply to the parks, if contrary to any regulation made under the
9 authority of this section.

Sec. 16. All ordinances, for the violation of which fines are imposed, shall
2 be published in such manner as the board of park commissioners shall direct,
3 and rules framed in conformity with them shall be brought to the notice of
4 the public by being posted in conspicuous places in the parks. When such or-
5 dinances are printed in book or pamphlet form, purporting to be published by
6 authority of the board of park commissioners, such book or pamphlet shall
7 be received as evidence of the passage and publication of such ordinances as
8 of the dates therein mentioned in all courts without further proof.

Sec. 17. The mayor and chief of police, upon the requisition of the board
2 of park commissioners, shall, from time to time, detail to the service of the
3 department of parks, for the enforcement of the park ordinances, and for the
4 maintenance of good order in the parks, so many suitable officers and men

5 as are necessary. Such officers and men shall continue to be in all respects
6 an integral part of the police force of the city, and shall be paid out of the
7 funds appropriated for the support of the police department. These officers
8 and men shall constitute the park police so long as their detail lasts and shall
9 report to the board of park commissioners. The said park commissioners may
10 report back to the police department for punishment any member of said park
11 police force guilty of any breach of order or discipline or of neglecting his
12 duty, and thereupon the chief of police may detail another officer or man in
13 his place, and the discipline of said members of the park police shall be in the
14 jurisdiction of the police department, but at any time the park commissioners
15 may object to the inefficiency of any member of said park police serving in
16 any park, and thereupon another officer or man may be detailed in his place.
17 The officers and men now members of the park police of the several parks here-
18 by consolidated shall have credit, under the pension laws, for the time here-
19 tofore served, subject to such payment as the pension commissioners shall
20 deem just.

Sec. 18. The board of park commissioners shall have full power to
2 manage and control, improve, maintain and beautify the parks of the city.

Sec. 19. The cost of the first establishment of any park and the cost of
2 any other local improvement in or relating to the same may be met by gen-
3 eral taxation, or by special taxation, or by special assessment, or by a com-
4 bination of special with general taxation, or of special assessment with gen-
5 eral taxation, or otherwise, as the city council, upon recommendation of the
6 board of park commissioners, shall by ordinance determine. The provision
7 of the statutes governing the making of local improvements in the city shall
8 be as nearly as possible applied to the proceedings for the taking of lands and
9 the meeting of the expenses in connection with such improvements, except that

10 the board of park commissioners shall act in place of the board of local im-
11 provements.

12 The cost of maintenance and repair shall not be met by special taxation
13 or special assessment.

Sec. 20. Any work to be done by or under the direction of the depart-
2 ment of parks, the cost of which is not met in whole or in part by special as-
3 sessment or special taxation, may be done at the option of the board of park
4 commissioners, either directly through the employes of the department and
5 other laborers hired for the purpose, or by contract entered into for that pur-
6 pose, subject to the rules established by general city ordinance governing the
7 giving out of contracts for work to be done for the city or any of its depart-
8 ments, or partly by the one method and partly by the other.

Sec. 21. The board of park commissioners may, with the consent of the
2 city council, purchase, erect and maintain within any public park any museum,
3 art institute or library, or permit any museum, art institute or library estab-
4 lished for public use by private endowment to be erected and maintained with-
5 in any public park.

6 An admission fee, not to exceed twenty-five cents for each visitor over
7 ten years of age, may be charged or permitted to be charged for visiting any
8 such museum or art institute: *Provided*, that all such museums and institutes
9 shall be open to the public without charge for three days each week, and to the
10 children in actual attendance upon any of the schools in this city on every day.

11 Any arrangement or agreement existing at the time this Act shall take
12 effect with any museum, art institute or library that shall be now located or
13 authorized to be located in any park, shall not be impaired or affected by the
14 provisions of this Act.

15 Where any power has heretofore been granted by statute to any board
16 of park commissioners to levy taxes for the support of any museum or muse-

7 holding or using such franchise, privilege or license, or any officer thereof
 8 granting or offering the same, shall be guilty of a misdemeanor and shall be
 9 punished as provided by law. The provisions of this section shall not apply to
 10 the furnishing of free transportation to members of the police, sanitary and fire
 11 departments in uniform, or to letter carriers of the government uniform.

Sec. 12. The city council and any committee thereof duly thereunto author-
 2 ized by the city council shall have the power to investigate any department of
 3 the city government, and the official acts and conduct of any city officer or
 4 employe, and the negotiation, terms, and performance of any public contract,
 5 and for the purpose of ascertaining the facts in connection with such investi-
 6 gation to compel the attendance and testimony of witnesses, and the produc-
 7 tion relevant documents and books, in the same manner as such power is
 8 given to the civil service commission for the purpose of conducting investiga-
 9 tions instituted by it.

Sec. 13. Nominations made by the mayor for offices which are subject to
 2 confirmation by the city council shall be acted upon by the council at a regular
 3 meeting subsequent to the one at which the nomination was submitted.

Sec 15. No ordinance shall be finally passed on the day it is introduced,
 2 unless approved by an affirmative vote of two-thirds of all the members of the
 3 city council, except in case provided in section 3 of part 3 of an Act to amend
 4 an Act entitled, "An Act to provide for the incorporation of cities and vii-
 5 lages," approved May 18, 1905.

Sec. 15. All ordinances imposing any fine, penalty or imprisonment, and
 2 amendments thereto, and all ordinances making any appropriation shall, with-
 3 in one month after they are passed, be printed and published in book or pamph-
 4 let form, and no such ordinance shall take effect until ten days after it is

5 so published. All ordinances thus printed and published shall be kept on file
6 in the office of the city clerk, properly indexed, and copies thereof shall be dis-
7 tributed as the city council may direct. All other ordinances, orders and reso-
8 lutions shall take effect from and after their approval or passage over the veto
9 of the mayor, unless otherwise provided therein.

Sec. 16. Any ordinance may provide that its provisions or such of its pro-
2 visions as it may specify shall not go into effect until approved by a majority of
3 the voters voting upon the question of the city or of the portion of the city
4 affected by such ordinance. The city council shall have power to make such
5 provisions regarding the manner of submitting the question, as may be neces-
6 sary or appropriate.

ARTICLE VI.

RECALL.

Section 1. The city council shall have power to provide by general ordi-
2 nance a method or scheme of recall whereby a proportion of the voters of the
3 city to be designated in such ordinance may be authorized to petition for a
4 submission to the voters of the city, or any district thereof of the question
5 whether a special election shall be held to fill the unexpired term of an elective
6 office representing such city or district, other than the office of chief justice
7 or associate justice of the municipal court. No such ordinance shall go into
8 effect until 60 days after the passage thereof, and if within such 60 days a
9 petition shall be filed, signed by 10 per centum of the registered voters of the
10 city (to be determined by the number voting at the last election for mayor),
11 praying for the submission of such ordinance to the voters of the city, not
12 until such ordinance shall have been approved by a majority of the voters of
13 the city voting upon the question at any election.

ARTICLE VI.

GENERAL PROVISIONS.

Section 1. Any Act of the General Assembly that shall be passed after
 2 the going into effect of this Act relative to the government of the affairs of
 3 the cities of this State in general or of cities containing a stated number of
 4 inhabitants or over, or allowing the formation of new municipal corporations
 5 in any part of the State, shall, in the absence of an express declaration of a
 6 legitimate intent to the contrary, be construed as not repealing, amending or
 7 altering any of the provisions of this Act.

Sec. 2. This Act shall be deemed a public Act, and all courts shall take
 2 judicial notice of it.

Sec. 3. All Acts or parts of Acts in conflict with the provisions of this
 2 Act shall be inoperative within and in regard to the city of Chicago.

Sec. 4. For the purpose of determining the relation of this Act to other
 2 Acts of the General Assembly, it shall be deemed to have been enacted at the
 3 time it shall be adopted by the voters of the city of Chicago.

ARTICLE VII.

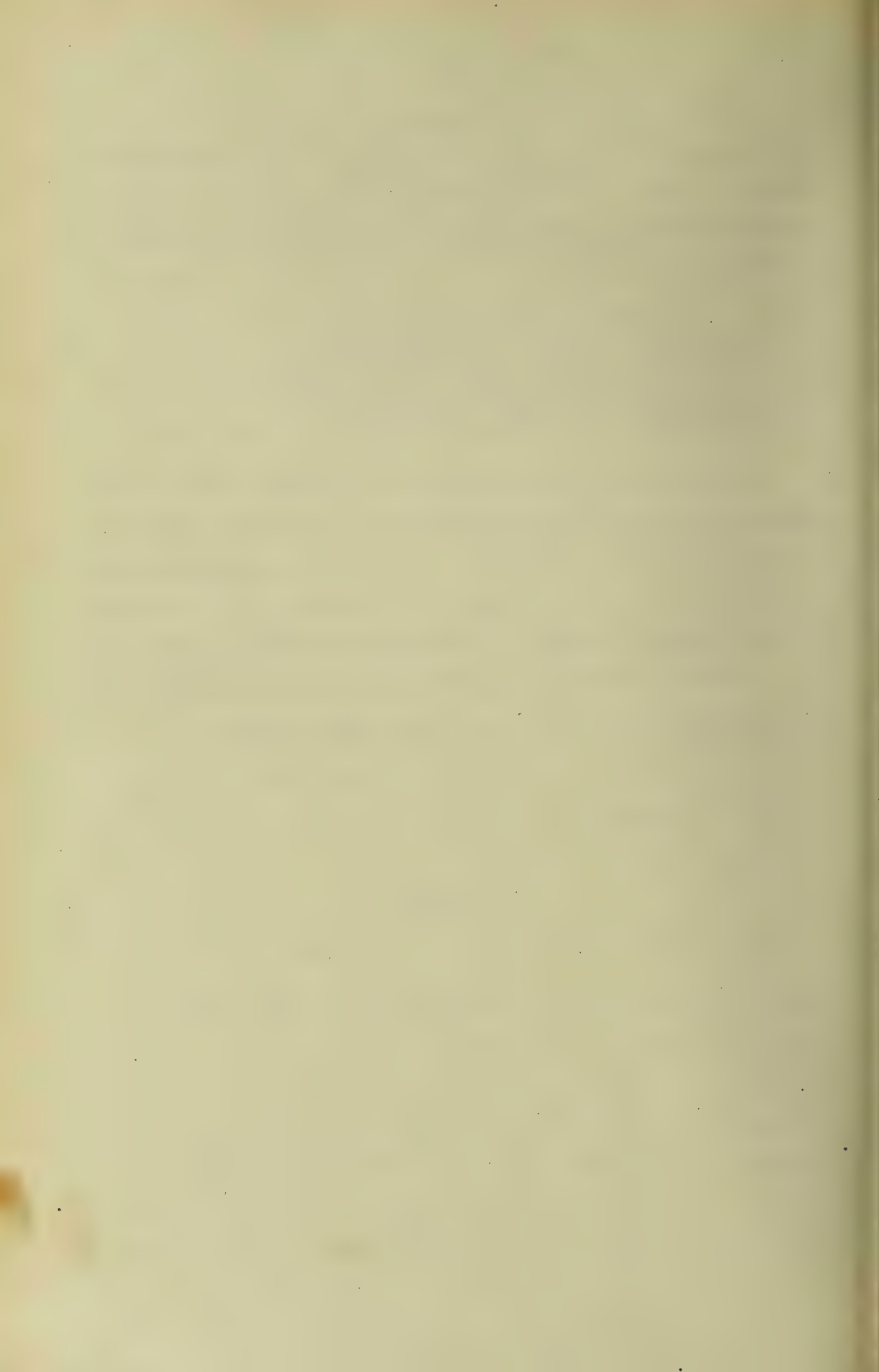
SUBMISSION OF ACT TO POPULAR VOTE.

Section 1. This Act shall be submitted to the voters of the city of Chicago
 2and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article 4 of the constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a peti-
 7 tion of ten per cent of the legal voters of the city voting at the last preceding

8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act shall be substantially in
 11 the following form:

Question of adopting "An Act to consolidate in the gov- ernment of the city of Chicago the powers now vested in the local authorities having jurisdiction within the terri- tory of said city, to make additional provisions concern- ing parks and local improvements, and provide revenue."	Yes.	
	No.	

12 In case any election precinct of the city is or shall be interested by the
 13 boundary line of any of the municipal corporations sought to be consolidated by
 14 this Act, the judges of election shall procure, and the election commissioners
 15 shall furnish two or more ballot boxes, so as to allow the votes of the residents
 16 of such municipal corporation in such precinct to be received separately from
 17 the votes of the voters of such precinct residing outside of such municipal cor-
 18 poration, and the same shall be received and returned separately.



46th Assem.

AMENDMENTS TO
HOUSE—No. 350

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 350 by changing in line 2 of section 1 of article I the word "not" where found at the end of the line to the word "now."

AMENDMENT NO. 2.

Amend House Bill No. 350 by inserting on page 11 in line 1 of section 2, article III of the printed bill after the word "indebtedness" the following: "existing at the time of the adoption of this Act."

AMENDMENT NO. 3.

Amend House Bill No. 350 by inserting on page 15 in line 9 of section 11 of article IV of the printed bill after the word "boulevard" the following words: "nor shall any boulevard be changed back into a street."

AMENDMENT NO. 4.

Amend section 7 of article I of House Bill No. 350 by inserting in line 1 of said section after the word "all" the words "valid or lawful."

AMENDMENT NO. 27.

Amend House Bill No. 350 by inserting on page 22 in section 1 of article VII at the beginning of line 2 the words, "On the second day of November in the year 1909."

AMENDMENT NO. 28.

Amend section 12 of article IV, page 15 of the printed bill by striking out the last word of line 7 and all of lines 8 and 9 of said section.

AMENDMENT NO. 29.

Amend House Bill No. 350 by inserting on page 13 of the printed bill in section 7 of article IV in line 3 after the word "keeper" the following words:

"Which said officials shall not be included in the classified civil service of the city."

(CHARTER BILL NO. 2.)

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act relating to the organization and powers of the city of Chicago.

ARTICLE I.

LEGISLATIVE POWERS IN GENERAL.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* Except in so far as provision is or shall be made
3 by law specially for the city of Chicago, the city shall continue to be governed
4 by the general laws of the State.

Sec. 2. The city council shall be the governing body of the municipality.
2 It shall exercise the corporate powers of the city, and shall be vested with
3 powers of local legislation adequate to a complete system of local municipal
4 government, subject to the general laws of the State, not rendered inoperative
5 by this or any other Act specially relating to the city of Chicago; but no gen-
6 eral statute hereafter enacted relative to the government of the affairs of the
7 cities of the State, or of cities containing a stated number of inhabitants or over,

8 or allowing the formation of new municipal corporations in any part of the
9 State shall, in the absence of an express declaration of legislative intent to
10 the contrary, be construed as altering or repealing this or any other Act spe-
11 cially relating to the city of Chicago.

Sec. 3. The specification of particular powers by this or any other Act,
2 specially relating to the city of Chicago, shall not be construed as impairing
3 the general grant of powers hereby bestowed, except that no taxes shall be
4 levied or be imposed by the city council other than as by law provided.

Sec. 4. The city council may provide for the carrying into effect of any of
2 its acts or ordinances by the creation of an appropriate official organization,
3 and of adequate executive and administrative powers and duties.

Sec. 5. Whenever this or any other Act relating or applicable to the city
2 of Chicago makes provisions or regulations with regard to a matter, the regu-
3 lation of which the legislature has power to delegate to the city council, the
4 city council may adopt an ordinance regulating such matter in whole or in
5 part, and submit to the voters of the city the question whether the provi-
6 sions regulating such subject matter shall be discontinued and the ordinance
7 adopted by the city council (the subject of which shall be briefly indicated upon
8 the ballot in such manner as the city council may provide) be substituted in
9 their stead. If the voters of the city shall vote in favor of such discontinu-
10 ance and substitution, the provisions so designated shall from thenceforth be
11 inoperative within the city, and the ordinance so adopted shall take effect. No
12 ordinance amending or repealing such ordinance, or amending or repealing any
13 ordinance that may subsequently be substituted for it, shall go into effect un-
14 less such ordinance shall have been approved by a majority of the voters of the
15 city, voting upon the question.

16 This section shall not apply to provisions on taxation or public utilities, or
17 to any provisions vesting the control of the school system in a board of educa-
18 tion, or to any provisions of law expressly prohibiting or restraining the ex-
19 ercise of particular powers by the city or any department or officer thereof.

ARTICLE II.

POLICE POWER.

Section 1. The police power of the city shall extend to the prevention of
2 crime, the preservation and promotion of local peace, safety, health, morals,
3 order and comfort; and to the prevention of fraud and extortion within the
4 community by measures of regulation, licensing, requirement of bonds, exam-
5 ination, inspection, registration, restraint and prohibition, as well as by the
6 establishment of municipal services.

7 The police power of the city may be exercised by ordinances applying to
8 the entire city, or to specified portions thereof.

9 The city may also adopt measures for aid and relief in behalf of those
10 who may be in need thereof, and maintain the necessary institutions therefor.

Sec. 2. The city shall have power to enter into agreements and arrange-
2 ments with the authorities of Cook county, or other governmental authorities.
3 for mutual co-operation on the prevention, detection, prosecution and punish-
4 ment of crime, and in the work of reformation, correction, charity, aid or re-
5 lief, and may make pecuniary grants in aid of such work.

Sec. 3. The regulation by statute of a matter within the police power of
2 the city shall not prevent the city council from prescribing additional regula-
3 tions not conflicting with the statute, regarding the same subject matter.

Sec. 4. The city council shall have power to impose a license tax upon all
2 persons, firms and corporations holding or using franchises or privileges wholly
3 or in part within the city of Chicago.

Sec. 5. The city council shall have power to fix fees, terms and manner
2 of issue and revocation of license, but no business or occupation license shall
3 be revoked except for cause.

Sec. 6. Whenever a license or permit is required by ordinance for any act,
2 thing or business, the city council may by ordinance provide for the prohibition,
3 under penalty, and for the summary suppression of such act, thing or business,
4 until such license is obtained. Any license fee that has become payable may be
5 collected as a debt.

Sec. 7. The city council shall have power to regulate the service and
2 charges of persons, firms and corporations owning or operating public utilities,
3 or any other business carried on under special grants of license or privilege
4 from the city, notwithstanding the grant of such license or privilege.

Sec. 8. No ordinance shall be enacted fixing or altering the limit of the
2 height of buildings to be erected within the city of Chicago, except by a vote
3 of two-thirds of all the members of the city council.

Sec. 9. The city council shall have power to permit the use of space more
2 than twelve feet above the level of the surface of the streets, alleys or other
3 public places, for private purposes, not substantially impairing the full, safe
4 and free public use and enjoyment of such streets, alleys or public places, upon
5 payment of compensation to the city, to be fixed under general ordinances.

6 No such permit shall be granted for a term longer than ten years, and
7 every such permit shall be subject to earlier revocation by the city council at
8 any time.

9 This section shall not apply to permits, licenses or grants for public utility
10 purposes.

Sec. 10. The city council may, without prejudice to the other rights, powers

2 and remedies of the city, provide that where any owner, occupant or party in
3 possession or control of property refuses or fails, after such reasonable notice,
4 in writing, as may be prescribed by ordinance, to comply with a lawful order
5 made under authority of any law or ordinance, directing him to remove or
6 abate any nuisance existing in respect of his property, such nuisance may be
7 removed or abated by or under the authority of the city at the expense of such
8 owner or occupant, and the city shall be entitled to collect all reasonable
9 charges incurred by it or under its authority in removing or abating such
10 nuisance by legal proceedings brought against such owner or occupant.

11 If there shall be reason to believe that such nuisance cannot be effect-
12 ally or permanently abated without structural changes, the city shall have
13 power to order the owner, agent or party in possession or control of the prem-
14 ises to make the necessary changes, giving him an opportunity to be heard be-
15 fore making such requirement effective. If such changes are not made within
16 such reasonable time as may be specified in said order, the city shall have the
17 right and power to make, or cause to be made, such structural changes and to
18 collect the reasonable expenses thereof, from the owner, occupant, agent or
19 party in possession or control of the premises, but the aggregate expense of
20 such structural changes so made by the city in or on any one building or piece
21 of property in any one year shall not exceed the sum of two hundred
22 dollars.

Sec. 11. The city may maintain an action in the municipal court of the

2 city of Chicago to restrain by injunction a violation of any of its ordinances
3 enacted for the prevention or abatement of nuisances or for the protection
4 of public health, notwithstanding such ordinances may provide a penalty for
5 such violation.

ARTICLE III.

FINANCE AND PROPERTY.

Section 1. The city council shall have power to control the city finances,
2 to appropriate money for municipal or corporate purposes and to provide for
3 the payment of the expenses and debts of the city.

4 The terms municipal or corporate purposes shall be held to include any
5 legitimate object of municipal interest or activity for which the legislature has
6 power to authorize the expenditure of city funds or the exercise of the power
7 of local taxation.

Sec. 2. The city council shall, within the quarter preceding the beginning
2 of each fiscal year, or within the first quarter of such year (which year is here-
3 in referred to as the ensuing fiscal year), pass an ordinance to be termed the
4 annual appropriation ordinance, in which it may appropriate such sums of
5 money as it may deem necessary to defray all expenses and liabilities of the
6 city, and in such ordinance shall specify the objects and purposes for which
7 such appropriations are made and the amount appropriated for each object
8 and purpose.

9 In case the passage of the annual appropriation ordinance shall be de-
10 layed until after the beginning of the fiscal year the city council may, during
11 the period from the beginning of the year to the time of the enactment of
12 such ordinance, upon the recommendation of the finance committee, authorize
13 the comptroller to incur the periodical expenditures for current needs of the
14 municipality to the extent that the same had been authorized for the corres-
15 ponding period of the preceding year and also to incur expenditures for con-
16 tinuation of works that are in process of being carried out and that do not
17 admit of interruption or delay.

Sec. 3. Except as herein otherwise specially provided, the city expendi-
2 tures in any one year shall not be increased over and above the amount pro-

3 vided for in the annual appropriation ordinance of that year, and no expendi-
4 ture for any improvement to be paid for out of the general fund of the city
5 shall exceed in any one year the amount provided for such improvement in
6 the annual appropriation ordinance.

Sec. 4. The city council shall have the power at any time to transfer any
2 appropriation for any year which may be found to be in excess of the amount
3 required for the purpose or object thereof, to any other purpose or objects
4 for which the appropriations are insufficient or such as may require the
5 same.

Sec. 5. Except as next hereinafter provided, all appropriations shall be
2 made for the ensuing fiscal year only, and shall lapse at the end of that year
3 if not then exhausted.

4 The city council may, by ordinance passed by a majority of all its mem-
5 bers, appropriate and set apart any portion of the revenue of the city as a
6 special fund or funds to be maintained for and devoted to particular purposes.
7 Moneys thus appropriated and set apart shall not lapse into the general fund
8 at the end of the fiscal year as above provided, but the city council may, by
9 an ordinance passed by a vote of two-thirds of all its members, trans-
10 fer and appropriate the said fund, or any part thereof, to any other
11 lawful purpose.

Sec. 6. It shall not be lawful for any department or officer of the city to
2 incur or contract any expense unless an appropriation shall have been made
3 concerning such expense.

Sec. 7. All contracts which are not to be satisfied and discharged out of
2 appropriations previously made, or which create contingent liabilities that may
3 accrue at a period later than the current fiscal year, shall be entered

4 into only by or under authority of an ordinance specifically authorizing any
5 such contract and stating its terms, and such ordinance shall be passed
6 only by concurrence of two-thirds of all the members elected to the
7 council.

Sec. 8. The city council may, upon recommendation of the mayor, by a
2 two-thirds vote of all its members, at any time order any expenditure the ne-
3 cessity of which is caused by an emergency happening after the annual appro-
4 priation ordinance has been made.

Sec. 9. No money shall be expended for any celebration, procession, cere-
2 mony, reception or entertainment of any kind on any occasion unless by a vote
3 of three-fourths of all the members elected to the city council.

Sec. 10. The city council shall have power to reimburse and indemnify any
2 officer or employe of the city for any expenses or for any liability incurred
3 by him in the performance of his official duty, or while acting in an emerg-
4 ency in the interest of the city and of its inhabitants, and to provide for
5 defending any suit or criminal prosecution brought against such officer by
6 reason of such alleged liability, but this section shall not be construed
7 as imposing any legal liability upon the city which would not otherwise exist
8 by law.

Sec. 11. The city council may accept any gift, bequest, devise or dedica-
2 tion of property to the city either within or outside of the city limits, the
3 ownership of the proceeds of the sale of which will, in its judgment, be
4 beneficial to the city, and may assume trusts which a municipality may law-
5 fully perform.

6 No property given, devised or bequeathed to the city for the use of the
7 public schools or of the public parks or of the public library, the ownership

8 or management of which will entail any expense upon the city, shall be ac-
9 cepted by the city council without the consent of the head of the department
10 out of whose appropriation the cost of maintenance is to be met.

Sec. 12. The city may acquire property inside of the city limits by pur-
2 chase or condemnation for any municipal purpose.

Sec. 13. The city shall have authority to acquire and hold lands for the
2 erection and maintenance thereon of public buildings of the city and for public
3 grounds surrounding such buildings or connected therewith, and shall have the
4 right to permit buildings of the county of Cook, the State of Illinois, the United
5 States of America, or other governmental or public bodies to be erected and
6 maintained on such lands and grounds upon such terms and conditions as the
7 city council may prescribe, and for such purpose the city may acquire or dis-
8 pose of the title to or rights in lands, or rights or easements in or over lands
9 abutting on or in the vicinity of such lands or public grounds in like manner
10 and to like extent as is or may be by law provided, with respect to parks.

Sec. 14. The city may also extinguish or acquire such title to or such
2 easements or rights in or over any lands abutting on or in the vicinity of any
3 lands which it may acquire for the purposes specified in this section as may be
4 necessary or appropriate to control the surroundings of such lands, so as to
5 increase the advantage thereof to the public, or secure to the public the full
6 benefit, use and enjoyment thereof.

7 For any such purpose the city may extinguish easements or rights in land,
8 and may acquire lands and easements and rights in or over lands by gift, de-
9 vise, dedication, purchase or condemnation, and may, in its discretion, take,
10 under the power of eminent domain or otherwise, the title in fee simple abso-
11 lute to any land which the city is authorized to acquire, or in or over which it
2 is authorized to acquire easements and rights as aforesaid, and such title shall

13 not terminate or be defeated by cessation or abandonment of the use for which
14 it was acquired.

15 The declaration of the city council that any such lands or easements or
16 rights in or over land are necessary or appropriate for any purpose shall con-
17 stitute sufficient *prima facie* evidence of such necessity or appropriateness.

Sec. 15. The provision authorizing the city to acquire the absolute title in
2 fee simple to lands in or over which the city is authorized to acquire ease-
3 ments or rights, shall be subject to the provision that any lands so taken for
4 such purpose shall, unless appropriated to some public use, within ten years
5 after the acquisition of the title thereto, be sold and disposed of by the city in
6 the manner now or hereafter provided by statute for the sale and conveyance
7 of property no longer required for the use of the city, subject, however, to
8 such easements or rights in said lands, and to such conditions, covenants and
9 restrictions as the city shall, in the deed of conveyance, impose or reserve,
10 and subject further to the power (which is hereby granted) of the city council
11 to release, waive or (by or with the consent of the grantee or owner of the con-
12 veyed premises) alter any such easements, rights, conditions, covenants or re-
13 strictions.

Sec. 16. The city may acquire by purchase any property outside of the
2 city limits if, in the opinion of the council, it is useful, advantageous or de-
3 sirable for any municipal purpose.

Sec. 17. The city may acquire property outside of the city limits by con-
2 demnation, for water works, sewers, and for park and boulevard purposes
3 only.

Sec. 18. The city may exercise the power of condemnation for the pur-
2 pose of acquiring or extinguishing easements or riparian or other incorporeal
3 rights.

Sec. 19. The police power of the city shall extend to any property owned
2 by it outside the city limits, for the purpose of protecting the same and regu-
3 lating the use thereof.

Sec. 20. The city council shall have authority to acquire and hold lands
2 for the erection and maintenance thereon of public buildings of the city and
3 for public grounds surrounding such buildings or connected therewith, and
4 shall have the right to permit buildings of the county of Cook, the State of
5 Illinois, the United States of America and other governmental or public body
6 to be erected and maintained on such lands and grounds upon such terms and
7 conditions as the city council may prescribe. Subject to such use, the board of
8 park commissioners shall, when directed by the city council, have the same
9 power to manage and control, improve, maintain and beautify such lands and
10 grounds as by law conferred upon such park board with respect to parks, and
11 for any of the purposes hereinbefore in this section specified, the city council
12 may acquire and dispose of the title to or rights in lands, or rights, or ease-
13 ments in or over lands abutting on or in the vicinity of such lands or public
14 grounds, in like manner and to like extent as provided by law with respect to
15 parks.

Sec. 21. Upon a judicial sale of property for the nonpayment of a tax or
2 special assessment or on execution upon any judgment recovered by the city or
3 upon process issued in any suit to which the city is a party, the city may, in
4 default of other bidders bidding an amount sufficient to protect the city's inter-
5 est, become the purchaser of such property and may by ordinance authorize
6 and make it the duty of any officer to attend such sale and bid thereat in be-
7 half of the city. The city having bought in property sold for nonpayment of
8 any special tax or assessment shall pay the amount of the delinquent tax or
9 assessment, with interest thereon, into the fund set apart for such tax or assess-

10 ment, for the benefit of the holder or holders of any improvement bond or
11 bonds issued on account thereof, when necessary to prevent a default in the
12 payment of such bond or bonds. The failure to bid in behalf of the city at
13 such sale shall not impair the right of the city to enforce all legal remedies
14 for the collection of such special tax or assessment at any subsequent sale for
15 unpaid taxes or assessments. Should the city incur any liability by reason of
16 the ownership or management of the property bid in under the authority of
17 this section, such liability shall be enforceable only out of such property and
18 not out of any other funds or property of the city.

Sec. 22. The city council shall sell no property under the control or man-
2 agement of the department of parks, without the written consent of the board
3 of park commissioners; nor any property under the control or management of
4 the board of education without the written consent of the board of education;
5 nor any property under the control or management of the library board, with-
6 out the written consent of the library board.

Sec. 23. Municipal services may be performed either through contracts
2 entered into for that purpose, or by the city directly through its own officers,
3 agents or employees. For services performed by it, the city may charge such
4 reasonable fees as may be prescribed by ordinance.

ARTICLE IV.

LOCAL IMPROVEMENTS.

Section 1. All general laws of the State relating to the subject of local
2 improvements applicable to the city of Chicago at the time this Act takes effect
3 shall continue in force in said city subject to the provisions of this or any Act
4 specially relating to the city of Chicago.

5 Amendments or supplements to such general laws hereafter enacted shall,
6 in the absence of an express declaration of legislative intent to the contrary.

7 be construed as not applying to the city of Chicago, if repugnant to the provi-
8 sions of this Act or any ordinance passed in pursuance thereof.

Sec. 2. The city council shall have the power by general ordinance passed
2 by a vote of three-fourths of all its members to make provisions regarding the
3 time and manner of notices, regarding the number of installments into which
4 assessments may be divided, regarding the time of payment of assessments and
5 the payment of the interest upon the same, also regarding the form, the terms,
6 and conditions of the payment of, improvement bonds, and the provisions of
7 any general local improvement Act of the State upon any of these subjects shall
8 be operative in the city of Chicago only in the absence of any different provi-
9 sion upon the same subject made under the power hereby granted.

Sec. 3. If the board of local improvements shall, at any time within one
2 week after the opening of the bids submitted for the construction of any local
3 improvement, decide that such bids are too high and that the work can be done
4 by the city itself at a lower price, and shall so report to the city council, the
5 city council may, by an ordinance duly passed for that purpose, authorize the
6 board of local improvements to construct said local improvement and to pur-
7 chase the materials and employ the labor required for such construction and
8 acquire and maintain such plant as may be advisable, in which case the city shall
9 be deemed and considered as the successful bidder at a price five (5) per cent
10 below that submitted by that of the lowest responsible bidder.

11 If the construction of said improvement costs the city more than ninety-
12 five (95) per cent of such lowest and best bid, such additional cost shall be
13 paid by the city out of its general fund.

14 If the city shall construct said local improvement at less cost than ninety-
15 five (95) per centum of said lowest and best bid, as aforesaid, the amount of
16 the saving thus effected shall be credited to the property owners so assessed.

17 and their respective assessments shall be abated accordingly, in accordance
18 with the provisions of sections 84, 92 and 93 of "An Act concerning local im-
19 provements," approved June 14, 1897.

Sec. 4. Whenever the making of a local improvement requires the exercise
2 of the right of eminent domain and the levying of an assessment for the pay-
3 ment of compensation to the owners of private property to be taken or damaged
4 for said improvement, such assessment may, at the discretion of the city council,
5 be made payable in one sum or in such annual installments not to exceed
6 twenty, as the said city council may, in the ordinance for the making of such
7 improvement and the levying of such assessment provide; and bonds may be
8 issued to anticipate the collection of such assessment in like manner as near
9 as may be, as provided by law for the issuance of bonds to anticipate the col-
10 lection of special assessments levied for the payment of the cost of local im-
11 provements which do not involve the exercise of the right of eminent domain.
12 Bonds issued for the purpose of anticipating the collection of an assessment
13 to pay the compensation so awarded to the owner of property so taken or
14 damaged, may be sold by the city at not less than the par value thereof, and
15 the city may secure the prompt payment at maturity of such bonds and inter-
16 est as provided in the next section.

Sec. 5. The city council may by ordinance provide for the creation and
2 maintenance of a special fund, to be used for the prevention of default in the
3 payment of any special assessment vouchers and bonds at maturity, and may,
4 in the annual appropriation ordinance, make an appropriation for such
5 purpose.

Sec. 6. Any article, material or progress covered by letters patent grant-
2 ed by the United States Government, may be prescribed in the ordinance for
3 the making of any proposed public improvement, or may be provided for in

4 the specifications for any proposed public improvement where the passage of
5 an ordinance is not required, if prior to the passage of such ordinance or the
6 making of such specifications, the owner or owners of such patent rights shall
7 agree in writing with the city to allow the use of such patent rights, and to
8 sell such article, material or process at uniform stated price, either to such
9 city or to any contractor to whom such contract may be awarded for the mak-
10 ing of such improvement.

11 *Provided, however,* that when any ordinance or specifications provide for
12 the use of any such article, material or process, all bids received for the mak-
13 ing of such improvement shall be upon the express condition, that the article,
14 material or process specified can be procured at the price and upon the terms
15 mentioned in the agreement made by the owner or owners of such patent
16 rights, as above provided for: *Provided, further, however,* that no ordinance
17 shall be passed for a pavement, any part of which is covered by letters patent,
18 where the same or any part thereof is to be paid for by special assessment,
19 unless the owners of a majority of the frontage on any proposed improvement
20 petition in writing for the same.

Sec. 7. The city council may provide for the construction and maintenance
2 of outlet sewers, either within or outside of, or partly within and partly out-
3 side of the limits of the city, into which sewers of said city may be emptied and
4 through which they may discharge their sewage for proper disposition, and
5 for the construction of reservoirs and the erection of pumping works and ma-
6 chinery within or outside of the city limits, and for the acquisition by purchase,
7 gift, condemnation or otherwise of all real and personal property, rights of
8 way and easements within or without the city, necessary for the construction
9 and maintenance of the outlet sewers and works hereby authorized.

10 For the purpose of constructing such outlet sewers, rights of way may be
11 condemned across or along public highways, or through the property of muni-

12 cipal or other public or private corporations or individuals outside of the city
13 limits. Such outlet sewers and the works necessary therefor shall be regarded
14 as local and public improvements of the city, but no property outside of the
15 city limits shall be taxed or assessed therefor.

16 The city may by contract make arrangements with property owners out-
17 side of the city whereby such property owners may be enabled to connect their
18 property with such outlet sewers.

Sec 8. Any municipal works or improvements not to be paid for wholly or
2 in part by special taxation or special assessment, may be made or carried out
3 either through contracts entered into for that purpose, or by the city directly,
4 by means of its own material and labor, employed by it; but the city shall not
5 do any work directly without first obtaining a preliminary estimate of the cost
6 thereof.

ARTICLE V.

POWERS RELATING TO ORGANIZATION AND OFFICERS.

Section 1. All aldermen holding office or elected at the time this Act shall
2 be adopted shall hold office until the expiration of their respective terms. The
3 aldermen elected at the election occurring next after the adoption of this Act
4 shall be elected for the term of three years, and all aldermen elected thereafter
5 shall be elected for a term of four years.

Sec 2. The city shall be redistricted by the city council in the year 1912
2 and every tenth year thereafter. The city council, upon redistricting the city
3 under the authority of this section, may change the number of aldermen and
4 their term of office, and may also alter the territorial basis of representation.
5 provided that all wards shall be of compact and contiguous territory and as
6 nearly as practicable, equal to each other in population.

7 No ordinance altering the number of wards or of aldermen, or the term
 8 of aldermen shall take effect until sixty days from and after its passage, and
 9 if within sixty days, fifteen per centum of the voters of the city voting at last
 10 preceding election for mayor, petition for the submission of such ordinance to
 11 popular vote, not until such ordinance shall have been approved by the voters
 12 of the city voting upon such proposition. Unless in case of a petition such
 13 vote be taken before the end of the year in which the redistricting ordinance
 14 is passed, the redistricting shall not take effect until the municipal election of
 15 the year following the year in which the vote shall be taken.

Sec. 3. At the municipal election next after the city shall have been re-
 2 districted, new aldermen shall be elected in accordance with the new districts.
 3 Unless otherwise provided by the redistricting ordinance, two aldermen shall
 4 be elected from each ward, one for the term of two years and one for the term
 5 of four years, and their successors shall be elected for the term of two years.

Sec. 4. Whenever any city council, having the authority to redistrict the
 2 city, shall fail to have done so, in a valid manner by a day ninety days previous
 3 to the day set for the next succeeding council election, the board of election
 4 commissioners shall redistrict the city as the city council might have done be-
 5 fore such date, but it shall have no power to change the number of wards or of
 6 aldermen or the term of office of aldermen.

7 The council elected by wards as redistricted by the board of election com-
 8 missioners may adopt the wards so created or may create new wards until a
 9 day fifty days previous to the next regular election of aldermen. If it does
 10 neither the wards so created shall continue until the next redistricting of the
 11 city under the provisions of this Act.

Sec. 5. Upon the adoption of this Act, the mayor shall cease to preside
 2 over the city council, and the city council shall elect one of its members to act

3 as presiding officer for such term as the council may by resolution or ordinance
4 determine.

5 The mayor may introduce measures, subject to the general rules of pro-
6 cedure of the council, and he shall have a seat in the council, but no vote.

7 Whenever a vacancy shall happen in the office of the mayor, in case the
8 unexpired portion of the term shall be one year or more from the date when
9 the vacancy occurs, it shall be filled at the next election held in and for the en-
10 tire city.

11 If the vacancy is less than one year, the city council shall elect one of its
12 number to act as mayor, who shall possess all the rights and powers of the
13 mayor until the next regular election for mayor, and until his successor is
14 elected and has qualified.

Sec. 6. During the temporary absence or disability of the mayor, the pre-
2 siding officer of the council shall temporarily act as mayor.

3 The presiding officer of the council shall also temporarily act as mayor
4 in case of a vacancy in the office of the mayor until such vacancy can be filled
5 as hereinbefore provided.

6 The person temporarily acting as mayor shall not exercise any power of
7 appointment to or removal from office until the absence or disability of the
8 mayor shall have continued thirty days, or sign, approve or disapprove any
9 ordinance or resolution until the day of the next regular meeting of the
10 council, occurring not earlier than five days after the passage thereof.

Sec. 7. An ordinance creating a new office shall not require a vote of
2 two-thirds of all the members elected to the city council, but shall be enacted
3 as other ordinances.

Sec. 8. The city council shall have the power to provide by ordinance for
2 the appointment of a city clerk and to prescribe his term and tenure of office,
3 his compensation and his duties.

4 The city clerk holding office when this Act takes effect, or elected at the
5 election at which this Act is adopted, shall continue to hold office until the ex-
6 piration of the term for which he has been or is elected.

 Sec. 9. All officers of the city except as expressly otherwise provided by
2 law or ordinance, shall be appointed by the mayor (and vacancies in all offices
3 except the office of mayor and aldermen and of the judges and other officers
4 of the municipal court shall be filled by like appointment), by and with the
5 advice and consent of the city council.

6 The city council may by ordinance not inconsistent with the provisions of
7 this Act, prescribe the duties and define the powers of all such officers, to-
8 gether with the term of any such office, and provided that no term of office so
9 prescribed shall exceed four years.

10 Whenever any office is created to be held for a fixed term, the incumbent
11 of such office shall hold such office until the expiration of his term and until
12 his successor shall be elected or appointed and shall have qualified.

 Sec. 10. The provision of the general cities and villages Act that no per-
2 son shall be eligible to any office who is not a qualified elector of the city or
3 village, and who shall not have resided therein at least one year preceding his
4 election or appointment shall not apply to any appointive office or place of
5 employment. The Mayor shall have been a resident of the city for at least
6 five years immediately preceding his election.

 Sec. 11. No municipal officer or employe shall directly or indirectly ask for,
2 demand or accept for his own use the use of another, any free pass, frank,
3 gratuitous service or discrimination from any person or corporation holding or
4 using any franchise, privilege or special license granted by the city. Any
5 municipal officer or employe soliciting or accepting any such pass, frank,
6 gratuity, gratuitous service or discrimination, or any person or corporation

7 holding or using such franchise, privilege or license, or any officer thereof
8 granting or offering the same, shall be guilty of a misdemeanor and shall be
9 punished as provided by law. The provisions of this section shall not apply to
10 the furnishing of free transportation to members of the police, sanitary and fire
11 departments in uniform, or to letter carriers of the government uniform.

Sec. 12. The city council and any committee thereof duly thereunto author-
2 ized by the city council shall have the power to investigate any department of
3 the city government, and the official acts and conduct of any city officer or
4 employe, and the negotiation, terms, and performance of any public contract,
5 and for the purpose of ascertaining the facts in connection with such investi-
6 gation to compel the attendance and testimony of witnesses, and the produc-
7 tion relevant documents and books, in the same manner as such power is
8 given to the civil service commission for the purpose of conducting investiga-
9 tions instituted by it.

Sec. 13. Nominations made by the mayor for offices which are subject to
2 confirmation by the city council shall be acted upon by the council at a regular
3 meeting subsequent to the one at which the nomination was submitted.

Sec 15. No ordinance shall be finally passed on the day it is introduced,
2 unless approved by an affirmative vote of two-thirds of all the members of the
3 city council, except in case provided in section 3 of part 3 of an Act to amend
4 an Act entitled, "An Act to provide for the incorporation of cities and vii-
5 lages," approved May 18, 1905.

Sec. 15. All ordinances imposing any fine, penalty or imprisonment, and
2 amendments thereto, and all ordinances making any appropriation shall, with-
3 in one month after they are passed, be printed and published in book or pamph-
4 let form, and no such ordinance shall take effect until ten days after it is

5 so published. All ordinances thus printed and published shall be kept on file
6 in the office of the city clerk, properly indexed, and copies thereof shall be dis-
7 tributed as the city council may direct. All other ordinances, orders and reso-
8 lutions shall take effect from and after their approval or passage over the veto
9 of the mayor, unless otherwise provided therein.

Sec. 16. Any ordinance may provide that its provisions or such of its pro-
2 visions as it may specify shall not go into effect until approved by a majority of
3 the voters voting upon the question of the city or of the portion of the city
4 affected by such ordinance. The city council shall have power to make such
5 provisions regarding the manner of submitting the question, as may be neces-
6 sary or appropriate.

ARTICLE VI.

RECALL.

Section 1. The city council shall have power to provide by general ordi-
2 nance a method or scheme of recall whereby a proportion of the voters of the
3 city to be designated in such ordinance may be authorized to petition for a
4 submission to the voters of the city, or any district thereof of the question
5 whether a special election shall be held to fill the unexpired term of an elective
6 office representing such city or district, other than the office of chief justice
7 or associate justice of the municipal court. No such ordinance shall go into
8 effect until 60 days after the passage thereof, and if within such 60 days a
9 petition shall be filed, signed by 10 per centum of the registered voters of the
10 city (to be determined by the number voting at the last election for mayor),
11 praying for the submission of such ordinance to the voters of the city, not
12 until such ordinance shall have been approved by a majority of the voters of
13 the city voting upon the question at any election.

Sec. 2. A petition signed by not less than ten per centum of the registered
2 voters of the city (to be determined by the number voting at the last preced-
3 ing election for mayor), may be filed with the board of election commissioners
4 not less than ninety days prior to any election held in and for the entire city,
5 praying for the submission to the voters of the city of any such method or
6 scheme of recall, the terms of which shall be set forth in such petition. The
7 board of election commissioners shall thereupon cause such scheme of recall
8 to be published in full in three of the daily newspapers published in said city
9 not less than once a week in each full week preceding the next election, and
10 shall cause ballots, indicating by a brief caption, the nature of the question
11 submitted to be prepared and distributed to be voted at the next election. If
12 such scheme be thereupon adopted by the majority of the voters of the city
13 voting upon the question, it shall thereupon become operative within the city.
14 Any scheme of recall once adopted shall be subject to repeal or alteration only
15 in the manner herein provided for its adoption.

Sec 3. Any scheme or method of recall, in order to be valid, shall contain
2 the following provisions regarding the petition upon which the question of re-
3 call or of an election shall be submitted to the voters of the city: Such peti-
4 tion shall be signed by twenty-five per centum of the registered votes consti-
5 tuting the electorate to which the question is to be submitted. Signatures need
6 not all be appended to one paper, but on each paper there shall be printed or
7 written a correct copy of such petition. A signature obtained in consideration
8 of anything of value given or promised to the signer shall be null and void.
9 Each signer shall add to his signature, which shall be in his own handwriting,
10 his place of residence, giving the street and number of the house. A signer
11 unable to write may make his mark, which shall be attested by a registered
12 voter, who shall place by the mark in addition to his own name and place of
13 residence, the name and residence of the signer. Each signature to the petition

14 shall be verified by a statement (which may relate to a number of specified
15 signatures) made by some registered voter, under oath before some competent
16 official, to the effect that he believes the signer to be a registered voter, and
17 either that he knows the signature to be genuine, or that the same was made
18 in his presence, and he verily believes the same to be genuine. If the signature
19 is by a mark, the verification shall be by the attesting witness. Such state-
20 ment or statements shall be attached to and filed with the petition.

Sec. 4. The said petition shall be filed with the board of election commis-
2 sioners at least ninety days prior to the proposed election, and public notice of
3 the filing of such petition by publishing said petition (without the signatures)
4 for three successive days in two of the daily newspapers published in the city.
5 At any time until a day sixty days prior to the proposed election, it shall be
6 competent for any registered voter to file with the board of election commis-
7 sioners objections to the submission of such petition, upon the ground that the
8 same is not proper or filed in accordance with law, specifying the particular
9 grounds of objection. Notice shall be given by the board of election commis-
10 sioners of the filing of such objection, and setting a day for a public hearing of
11 the same, which shall be within ten days of the filing of said objections, by
12 publication for three seccessive days, in two of the daily newspapers published
13 in the city, and such notice shall also be served at least five days prior to such
14 hearing upon such one person as may be designated for that purpose in the
15 petition. The hearing shall be conducted by the board of election commission-
16 ers, who shall have the power to frame reasonable rules therefor, calculated
17 to terminate the proceeding in time for the proposed election. The election
18 commissioners shall have power to administer oaths, and the county court of
19 Cook county shall, upon their request, issue subpoenas for witnesses or the pro-
20 duction of papers. They shall have power to employ investigators, whose
21 sworn statement shall constitute *prima facie* evidence of such facts as they

22 may testify to in accordance with law. The fact that signatures or marks pur-
 23 porting to represent different signers are obviously written by the same hand
 24 shall constitute sufficient evidence of the falsity of all signatures or marks, and
 25 they may be rejected by the commissioners without objection.

ARTICLE VII.

GENERAL PROVISIONS.

Section 1. Any Act of the General Assembly that shall be passed after the
 2 going into effect of this Act relative to the government of affairs of the cities
 3 of the State in general or of cities containing a stated number of inhabitants
 4 or over, or allowing the formation of new municipal corporations in any part
 5 of the State, shall, in the absence of an express declaration of a legislative in-
 6 tent to the contrary, be construed as not repealing, amending or altering any
 7 of the provisions of this Act.

Sec. 2. All Acts or parts of Acts in conflict with the provisions of this
 2 Act shall be inoperative within and in regard to the city of Chicago.

Sec. 3. For the purpose of determining the relation of this Act to other
 2 Acts of the General Assembly, it shall be deemed to have been enacted at the
 3 time it shall be adopted by the voters of the city of Chicago.

ARTICLE VIII.

SUBMISSION OF ACT TO POPULAR VOTE.

Section 1. This Act shall be submitted to the voters of the City of Chi-
 2 cago.....and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission

6 shall be directed by an ordinance of the city council or demanded by a petition
 7 of ten per cent of the legal voters of the city voting at the last preceding
 8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act, shall be substantially in
 11 the following form:

Question of adopting "An Act relating to the organization and powers of the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act relating to the ownership, regulation, and operation of public utilities in the city of Chicago, and to enlarge the powers of the city with reference to municipal undertakings and improvements.

SECTION 1 *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The city of Chicago shall have full power and au-
3 thority to acquire, own, construct, maintain and operate within the limits of the
4 city and public utility works for the use of the city and the property therein and
5 the inhabitants thereof (including street and other intramural railways, sub-
6 ways and tunnels, telephone, telegraph, gas and electric lighting, heating, re-
7 frigerating and power plants, wharves, docks and levees and, in connection with
8 such wharves, docks or levees, elevators, warehouses, vaults and necessary or
9 appropriate tracks and terminal facilities), and to fix the rates and charges for
10 the services rendered by means of such utilities and for this purpose to acquire

11 by purchase, condemnation, construction or otherwise, whatever property real or
12 personal may be necessary or appropriate, and to lease the same to any person
13 or corporation authorized under the laws of the State to operate the same, for
14 the purpose of operating the same for any period not longer than twenty years,
15 upon such terms and conditions as the city council shall deem for the best in-
16 terests of the public.

Sec. 2. No person or corporation shall have the right to locate, acquire,
2 construct, maintain or operate any public utility (including street and other intra-
3 mural railways, subways, tunnels, telephone, telegraph, gas and electric lighting,
4 heating, refrigerating and power plants, wharves, docks and levees, and, in con-
5 nection with such wharves, docks or levees, elevators, warehouses, vaults and
6 necessary or appropriate tracks and terminal facilities) in, over, under, upon or
7 along the streets, alleys or other public places of the city of Chicago, without
8 the consent of the corporate authorities of said city, which consent may be
9 granted for a period not longer than twenty years, upon such terms and condi-
10 tions as such corporate authorities shall deem for the best interests of the public,
11 provided no such consent shall be granted except on the condition that the per-
12 son or corporation to which such consent is given will pay all damages to
13 owners of property which they may sustain by reason of the location, construc-
14 tion or operation of the same, and for which they may be entitled to compensa-
15 tion under the constitution and laws of this State; and no such consent (other
16 than a consent to have industrial or commercial establishments connected by
17 side or switch-tracks with railroads for the carrying of freight only) for a
18 longer period than five years, shall go into effect until sixty days after the pass-
19 age of the ordinance therefor by the city council, and if within such sixty days
20 there shall be filed with the city clerk of the said city a petition signed by ten
21 per cent of the registered voters of the city, as shown by the last preceding
22 election for mayor, requesting that the granting of such consent be submitted to

23 popular vote, such consent shall not be effective until the question of granting
24 such consent shall first have been submitted to popular vote at any regular or
25 special election in the city and shall have been approved by a majority of those
26 voting thereon.

Sec. 3. Every such grant shall be subject to the right of the corporate au-
2 thorities of the city to control the use, improvement and repair of such streets,
3 alleys and other public places to the same extent as if such grant had not been
4 made, and to make all necessary or appropriate police regulations concerning the
5 erection, construction, maintenance, use and operation of the property or struc-
6 ture thereby permitted, whether such right is reserved in the grant or not, and
7 the right to make such regulations, whether reserved or not, shall include the
8 right to make reasonable regulations of the charges to be made in the operation
9 of such public utility. The city shall have no power to grant away or limit the
10 subsequent exercise of this right, except that the question of reasonableness
11 of any such regulation of charges shall always be determined with due regard to
12 the provisions and limitations of the grant under which such public utility is
13 being operated. Any right of regulation shall further include the right to re-
14 quire adequate service to the public and reasonable extensions of such service
15 and of such public utility works. No grant made by the city for any public
16 utility or privileges enjoyed by virtue of such grant shall be leased, assigned,
17 mortgaged or otherwise aliened or voluntarily parted with, unless by the express
18 consent of the city, and no dealings with the lessee or transferee on the part of
19 the city, or requiring the performance of any act or payment of any compensa-
20 tion by the lessee or transferee shall be deemed to operate as such consent.

Sec. 4. The city council shall have power to require the person or corpo-
2 ration owning and operating any public utility within the city to make to the
3 city properly verified reports of the character and amount of business done by

4 such person or corporation, including the amounts of receipts from and the ex-
5 penses of conducting said business, and all duly authorized agents of the city
6 shall have the right, at all reasonable times, to examine the books of account and
7 records of every person or corporation which relate to the conduct of such
8 business, and verify the same by an examination of the actual condition of its
9 property.

Sec. 5. The charges fixed for the service rendered by it by means of such
2 public utility works by the city shall be high enough to produce a revenue suffi-
3 cient to bear all cost of maintenance and operation and to meet interest charges
4 on bonds and certificates issued on account thereof, and to permit the accumula-
5 tion of a surplus or sinking fund that shall be sufficient to meet all outstanding
6 bonds or certificates at maturity.

Sec. 6. It shall be lawful for the city to incorporate in any public utility
2 grant the reservation of the right on the part of the city to take over all or any
3 part of the property, plant, or equipment used in the operation of such public
4 utility, at or before the expiration of such grant, upon such terms and condi-
5 tions as may be provided in the grant, and it shall also be lawful to provide in
6 any such grant that in case such reserved right be not exercised by the city,
7 and it shall grant the right to another person or corporation to operate such
8 utility in the streets and parts of streets occupied by its grantee under the
9 former grant, the new grantee shall purchase and take over the property located
10 in such streets and parts of streets upon the terms upon which the city might
11 have taken it over.

Sec. 7. The city council shall have no power to pass any ordinance granting
2 to any person or corporation the right or privilege to lay, upon, under or over
3 the surface of any street, alley or public place, any railroad track or structure
4 for railroad purposes, except upon petition or with the consent of the owners

5 of the land representing more than one-half of the frontage of such street, alley
6 or public place, or so much thereof as is sought to be used for any of the pur-
7 poses before mentioned; and when the street, alley or public place or part there-
8 of sought to be used shall be more than one mile in extent, no petition or con-
9 sent of land owners shall be valid unless the same is signed by the owners of the
10 land representing more than one-half of the frontage of each mile and of the
11 fraction of a mile, if any, in excess of the whole mile, measuring from the
12 initial point named in such petition, of such street, alley or public place or of the
13 part thereof sought to be used for the purposes above mentioned or either of
14 them.

15 No such petition or consent shall be required for the continued use of
16 tracks, or for the renewal or replacement of the same in a form not more bur-
17 densome than before, before or after a period of a grant has expired, or for
18 the laying or continued use of pipes, tunnels, wires or cables or other public
19 utility appurtenances, except railroad tracks.

20 Before the city shall itself lay or place any track, rail or structure over
21 and upon (but not below the surface of) any street, alley or public place for pur-
22 poses of transportation or the operation of any tramway, car line or railroad,
23 it shall be required to secure the consent of owners as in this section required.
24 subject to all the conditions and provisions of this section; but in no other
25 case shall the city itself be required to secure such consent for its purposes.

Sec. 8. The city shall not itself proceed to operate any such public utility
2 for the use or benefit of private consumers or users, for hire or charge for
3 such consumption or use, unless the proposition to operate shall first have been
4 submitted to the electors of the city as a separate proposition and approved by
5 a majority of those voting thereon; but the city may, without such submission
6 and approval, sell electricity for heat, light or power within the limits of the

7 city, generated from any electric lighting plant owned and operated by the city
8 for the city's own use.

Sec. 9. No ordinance authorizing the lease of any public utility for private
2 operation for a longer period than five years, nor any ordinance renewing any
3 such lease for a period longer than five years, shall go into effect until the ex-
4 piration of sixty days from and after its passage, and if within such sixty days
5 there is filed with the city clerk of such city a petition, signed by ten per cent of
6 the voters voting at the last preceding election for mayor in such city, asking
7 that such ordinance be submitted to popular vote, then such ordinance shall not
8 go into effect unless the question of the adoption of such ordinance shall first be
9 submitted to the electors of the city and approved by a majority of those voting
10 thereon.

11 The rental reserved on any such lease shall not be less than a sufficient sum
12 to meet the annual interest and sinking fund charges upon the outstanding
13 bonds and public utility certificates issued by the said city on account of such
14 public utility.

Sec. 10. For the purpose of acquiring any such public utility or the prop-
2 erty necessary or appropriate for the operation thereof either by purchase, con-
3 demnation or construction, the city may borrow money and issue negotiable
4 bonds therefor, pledging the faith and credit of the city, but no such bonds shall
5 be issued unless the proposition to issue the same shall first have been submitted
6 to the electors of such city and approved by two-thirds of those voting thereon,
7 nor in an amount in excess of the cost to the city of the property for which
8 said bonds are issued and ten per cent of such cost in addition thereto.

Sec. 11. In valuing any public utility property for the purpose of acquir-
2 ing the same (except where any street railroad property to be acquired was on
3 the first day of July, 1903, operated under then existing franchises, or where

4 any other public utility to be acquired is at the time of the taking effect of this
5 charter operated under then existing franchises) no sum shall be included as
6 the value of any earning power of such property, or of the unexpired portion
7 of any franchise granted by the city. In acquiring public utility property by
8 condemnation the city shall proceed in the manner provided by law for the tak-
9 ing and condemning of private property for public use.

Sec. 12. In lieu of issuing bonds pledging the faith and credit of the city,
2 as hereinbefore provided, the city may issue and dispose of interest bearing
3 certificates, hereinafter called public utility certificates, which shall, under no
4 circumstances, be or become an obligation or liability of the city or payable out
5 of any general fund thereof, but shall be payable solely out of the revenues or
6 income to be derived from the public utility property for the acquisition of which
7 they were issued. Such certificates shall not be issued and secured on any pub-
8 lic utility property in an amount in excess of the cost to the city of such prop-
9 erty as hereinbefore provided and ten (10) per cent of such cost in addition
10 thereto. In order to secure the payment of any such public utility certificates
11 and the interest thereon, the city may convey, by way of mortgage or deed of
12 trust, any or all of the public utility property acquired or to be acquired through
13 the issue thereof; which mortgage or deed of trust shall be executed in such
14 manner as may be directed by the city council and acknowledged and recorded
15 in the manner provided by law for the acknowledgment and recording of mort-
16 gages of real estate, and may contain such provisions and conditions not in con-
17 flict with the provisions of this Act as may be deemed necessary to fully secure
18 the payment of the public utility certificates described therein. Any such mortgage
19 or deed of trust may carry the grant of a privilege or right to maintain and
20 operate the public utility property covered thereby, for a period not exceeding
21 twenty (20) years from and after the date such property may come into the
22 possession of any person or corporation as the result of foreclosure proceed-

ings; which privilege or right may fix the rates or charges which the person or corporation securing the same as the result of foreclosure proceedings shall be entitled to charge in the operation of said property for a period not exceeding twenty (20) years. Whenever and as often as default shall be made in the payment of any public utility certificates issued and secured by a mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve (12) months, after notice thereof has been given to the mayor and comptroller, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers of the property and the rights and privileges sold, if he or they be the highest bidders. Any public utilities acquired under any such foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings: *Provided, however,* that no public utility certificates shall ever be issued by the city under the provisions of this Act unless and until the question of the adoption of the ordinance of the city council authorizing the issue thereof shall first have been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. The question shall be submitted in such form as the city council may by ordinance designate.

Sec. 13. The city, when owning any such public utility, shall keep the books of account for such public utility distinct from other city accounts and in such

3 manner as to show the true and complete financial results of such city ownership
4 or ownership and operation, as the case may be. Such accounts shall be so kept as
5 to show the actual cost to such city of the public utility owned; all costs of mainte-
6 nance, extension and improvement; all operating expenses of every description,
7 in case of such city operation; the amounts set aside for sinking fund pur-
8 poses; if water or other service shall be furnished for the use of such public
9 utility without charge, the accounts shall show, as nearly as possible, the value
10 of such service, and also the value of such similar service rendered by the public
11 utility to any other city department without charge; such accounts shall also
12 show reasonable allowances for interest, depreciation and insurance, and also
13 estimates of the amount of taxes that would be chargeable against such prop-
14 erty if owned by a private corporation. The city council shall cause to be printed
15 annually for public distribution, a report showing the financial results, in form as
16 aforesaid, of such city ownership or ownership and operation. The accounts of
17 such public utility, kept as aforesaid, shall be examined at least once a year by an
18 expert accountant who shall report to the city council the results of his examina-
19 tion. Such expert accountant shall be selected in such manner as the city council
20 may direct, and he shall receive for his services such compensation, to be paid out
21 of the income or revenues from such public utility, as the city council may pre-
22 scribe.

Sec. 14. For the purpose of acquiring or constructing wharves, docks,
2 levees, or in connection with such wharves, docks or levees, elevators, ware-
3 houses, vaults or necessary and appropriate tracks or terminal facilities, the city
4 may reclaim the submerged lands under any public waters within the jurisdic-
5 tion of or bordering upon the city of Chicago, and shall thereupon be vested
6 with the absolute title, in fee simple, to the lands so reclaimed; and for any of
7 the purposes aforesaid the city may acquire, by purchase, condemnation or
8 otherwise, the title of the private or public owners, if any there be, to lands lying

9 beneath such public waters and to any lands penetrating into or abutting on
10 such public waters, and also the riparian or other rights, if any there be, of the
11 owners of the shore lands abutting on such public waters in or over such public
12 waters or the submerged lands under such waters. The city and the owner or own-
13 ers of any such abutting lands or riparian or other rights are hereby authorized
14 to agree upon a division of the said submerged lands between the said city and
15 the said owners, and upon a boundary line dividing the submerged lands ac-
16 quired or to be acquired by said city, and the submerged lands to be taken,
17 owned and used by said owners in lieu of and as compensation for the release
18 or transfer of such riparian or other rights to said city; subject, however, to the
19 requirement that in all cases in which said city shall have agreed upon any
20 such division, the said city shall file a petition or petitions in chancery and ob-
21 tain a decree of court thereon, in like manner as is provided with respect to
22 boards of park commissioners in and by a statute of the State of Illinois entitled,
23 "An Act authorizing park commissioners to acquire and improve submerged
24 and shore lands for park purposes, providing for the payment therefor, and
25 granting unto such commissioners certain rights and powers and to riparian
26 owners certain rights and titles," approved May 2, 1907.

27 No ordinance authorizing the city to reclaim or fill in any of the submerged
28 lands under the waters of Lake Michigan shall go into effect until sixty days
29 after the passage thereof, and if within such sixty days a petition shall be filed
30 signed by ten per centum of the registered voters of the city praying for the
31 submission of such ordinance to the voters of the city, not until such ordinance
32 shall have been approved by a majority of the voters of the city voting upon
33 the question at any election.

Sec. 15. Nothing in this Act contained shall be construed to apply to water-
2 works owned and operated by the city of Chicago.

Sec. 16. Any Act of the General Assembly that shall be passed after the
 2 going into effect of this Act relative to the government of the affairs of the cities
 3 of this State in general or of cities containing a stated number of inhabitants
 4 or over, or allowing the formation of new municipal corporations in any part
 5 of the State, shall, in the absence of an express declaration of a legislative in-
 6 tent to the contrary, be construed as not repealing, amending or altering any of
 7 the provisions of this Act.

Sec. 17. All Acts or parts of Acts in conflict with the provisions of this Act
 2 shall be inoperative within and in regard to the city of Chicago.

Sec. 18. For the purpose of determining the relation of this Act to other
 2 Acts of the General Assembly, it shall be deemed to have been enacted at the
 3 time it shall be adopted by the voters of the city of Chicago.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 19. This Act shall be submitted to the voters of the City of Chi-
 2 cago.....and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a petition
 7 of ten per cent of the legal voters of the city voting at the last preceding
 8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act shall be substantially in
 11 the following form:

Question of adopting "An Act relating to the ownership, regulation, and operation of public utilities in the city of Chicago, and to enlarge the powers of the city with reference to municipal undertakings and improvements."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to provide for the form of ballot to be used at municipal elections to
be held in and for the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the names of all candidates to be voted for in
3 each election precinct in any municipal election held in and for the city of
4 Chicago shall be printed on one ballot, all nominations of any political party
5 or group of petitioners being placed under the party appellation or title of
6 such party or group as designated by them in their certificates of nomination
7 or petitions, or if none be designated, then under some suitable title. But no
8 circle shall be placed by the side of such appellation or title, and the voter
9 shall not be allowed to vote for all the candidates of one political party or
10 group of petitioners by placing a cross preceding the appellation or title, but
11 he shall make a cross opposite the name of each candidate for whom he desires

12 to vote. Except as thus modified, the ballot used and the manner of preparing
 13 the ballot at elections for city officers and for the municipal court of the city
 14 of Chicago shall be the same as at other elections.

15 Whenever the election for municipal office other than the regular spring
 16 election, or for the office of the municipal court shall be held on the same day
 17 as the election for any other office which is not a city or municipal court office,
 18 the form and manner of preparing the ballot prescribed by the general law of
 19 the State for such other office shall also be observed for the ballot used for
 20 the city or municipal court office or officers. Nothing herein contained shall be
 21 construed as preventing the use of voting machines as now authorized by law,
 22 provided that in the use of such machines at municipal elections the voter shall
 23 be required to vote separately for each office to be filled.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 2. This Act shall be submitted to the voters of the City of Chi-
 2 cago.....and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a petition
 7 of ten per cent of the legal voters of the city voting at the last preceding
 8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act shall be substantially in
 11 the following form:

Question of adopting "An Act to provide for the form of ballot to be used at municipal elections to be held in and for the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to provide for the submission of propositions to the voters of the city
of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Whenever this or any other statute provides that
3 any proposition shall or may be submitted to the voters of the city, or of any
4 district of the city, for approval or consent, and that it shall not take effect
5 in the city or such district until such approval or consent, or shall contain any
6 provision of a like effect, the proposition shall be submitted, and if approved,
7 shall take effect, as herein provided.

Sec. 2. If the proposition is in the form of a statute, the Secretary of
2 State shall transmit a copy of such statute to the officer whose duty it is to
3 give notice of the election at which the proposition is to be voted on.

Sec. 3. Unless otherwise provided by the authority requiring or authorizing the submission, the proposition shall be submitted at any special or regular election occurring not sooner than thirty days from and after the provision is enacted.

Sec. 4. The law applicable to the election of municipal officers shall, as far as practicable, govern elections upon any proposition submitted to popular vote, except as herein otherwise provided.

Sec. 5. The notice of the election at which the proposition is to be voted upon shall briefly indicate its substance. The title, if any, of the measure shall be sufficient for that purpose. The election commissioners shall keep copies of the statute or ordinance containing the proposition to be voted upon at their office for free distribution or for sale at cost price, as they may determine, and one or more copies thereof shall be kept on election day at each polling place for public inspection.

Sec. 6. The proposition or propositions to be voted on at any election shall be printed on a ballot, which shall be separate from the ballot for candidates for office. The proposition, if a statute, shall be stated by its title (with such caption as the election commissioners may determine), and if an ordinance, in such summary form as may be designated by the city council; or in case the city council shall fail to make such designation, then in such summary form as the election commissioners may determine.

Besides the statement of the proposition there shall be two square spaces marked off for the insertion of the voter's mark, one above the other, preceded by the words "Yes" and "No" respectively, substantially as follows:

Caption (e. g.) City Hall Bond Issue.

Question of adopting an Act entitled: "An Act. ....etc."	Yes.	
	No.	

Sec. 7. Whenever a proposition is submitted to the voters of the city or
 2 of a district thereof, the result shall be determined by the number of votes
 3 cast upon that proposition, unless it is expressly otherwise provided by law re-
 4 quiring or authorizing such submission.

Sec. 8. If the vote upon the proposition is in favor of its adoption, the
 2 statute or ordinance shall take effect in the city or district for which it has
 3 been adopted upon its adoption, unless a later date is fixed in such statute or
 4 ordinance, or by the constitution.

5 If a proposition embodied in a statute or ordinance fails to be adopted it
 6 shall not be re-submitted under the authority of the same statute or ordinance
 7 until after a lapse of two years, and only upon a petition of fifteen (15) per
 8 cent of the legal voters of a city voting at the last preceding election for
 9 mayor, which shall be filed with the city clerk at least thirty days before the
 10 election at which the re-submission is desired.

Sec. 9. Wherever this or any other Act shall require a petition of voters
 2 for the purpose of having some measure submitted to popular vote or for the
 3 purpose of having the name of any candidate for any office placed upon the offi-
 4 cial ballot to be voted at any election, or for any other purpose, the signatures
 5 to such petition need not all be appended to one paper, but on each paper there
 6 shall be printed or written a correct copy of such petition. Each signer shall
 7 add to his signature, which shall be in his own handwriting, his place of resi-
 8 dence, giving the street and number of the house. A signer unable to write

9 may make his mark, which shall be attested by an adult registered voter, who
10 shall place by the mark, in addition to his own name and place of residence, the
11 name and residence of the signer. Each signature to the petition shall be veri-
12 fied by a statement (which may relate to a number of specified signatures)
13 made by some registered voter under oath before some competent official to
14 the effect that he believes the signer to be a registered voter and either that
15 he knows the signature to be genuine, or that the same was made in his presence
16 and he verily believes the same to be genuine. If the signature is by a mark,
17 the verification shall be by the attesting witness. Such statement or statements
18 shall be attached to and filed with the petition.

Sec. 10. The said petition shall be filed with the Board of Election Com-
2 missioners at least ninety days prior to the proposed election, and public notice
3 of the filing of such petition by publishing said petition (without the signa-
4 tures) for three successive days in two of the daily newspapers published in
5 the city. At any time until a day sixty days prior to the proposed election, it
6 shall be competent for any registered voter to file with the Board of Election
7 Commissioners objections to the submission of such petition, upon the ground
8 that the same is not proper or filed in accordance with law, specifying the par-
9 ticular grounds of objection. Notice shall be given by the Board of Election
10 Commissioners of the filing of such objection, and setting a day for a public
11 hearing of the same, which shall be within ten days of the filing of said ob-
12 jections, by publication for three successive days in two of the daily news-
13 papers published in the city, and such notice shall also be served at least five
14 days prior to such hearing upon such one person as may be designated for
15 that purpose in the petition. The hearing shall be conducted by the Board of
16 Election Commissioners, who shall have the power to frame reasonable rules
17 therefor, calculated to terminate the proceeding in time for the proposed elec-
18 tion. The election commissioners shall have power to administer oaths, and

19 the county court of Cook county shall, upon their request, issue subpoenas for
20 witnesses or the production of papers. They shall have power to employ in-
21 vestigators, whose sworn statements shall constitute *prima facie* evidence of
22 such facts as they may testify to in accordance with law. The fact that signa-
23 tures or marks purporting to represent different signers are obviously written
24 by the same hand shall constitute sufficient evidence of the falsity of all such
25 signatures or marks, and they may be rejected by the commissioners without
26 objection.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 11. This Act shall be submitted to the voters of the City of Chi-
2 cago.....and if consented to by a majority of the voters
3 voting on the question, in accordance with the requirements of section 34 of
4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
5 to be adopted at such election it may be resubmitted, if such resubmission
6 shall be directed by an ordinance of the city council or demanded by a petition
7 of ten per cent of the legal voters of the city voting at the last preceding
8 election for mayor, which shall be filed with the city clerk at least thirty days
9 before the election at which the resubmission shall be desired. The ballot to
10 be used at any such election in voting upon this Act shall be substantially in
11 the following form:

Question of adopting "An Act to provide for the submission of propositions to the voters of the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act relating to expenditures by candidates for offices in municipal elections
to be held in and for the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* A person is a candidate for election within the
3 meaning of the following provisions from the time the certificate of his nomi-
4 nation or the petition for his nomination is filed according to law, to the end
5 of the day of the election at which he submits himself to the popular vote.

6 A person is a candidate for nomination from the time the petition to have
7 his name printed on the primary ballot is filed to the end of the day of the primary
8 election at which he submits to the votes of the voters of his party.

9 The term political committee as herein used shall apply to every com-
10 mittee or combination of two or more persons acting for the purpose of aiding
11 or promoting the success or defeat of a political party or principle in a muni-

12 cival election, or for the purpose of aiding or taking part in the nomination,
13 election or defeat of a candidate for election or nomination to a municipal
14 office. The term municipal election or municipal office as herein used shall in-
15 clude elections for the judges and other officers of the municipal court.

Sec. 2. No person shall, in order to aid or promote his own nomination
2 or election to a municipal office, directly or indirectly, himself or through an-
3 other person, promise to appoint or promise to secure or assist in securing the
4 appointment, nomination or election of another person to a public position or
5 employment or to a position of honor, trust or emolument.

Sec. 3. Every political committee shall have a treasurer, who shall be a
2 voter of the city, and shall cause him to keep a detailed account of money or its
3 equivalent received by or promised to the committee or by or to any person
4 acting under its authority or in its behalf, and of all expenditures, disburse-
5 ments and promises of payment or disbursement made by the committee or
6 by any person acting under its authority or in its behalf. No person acting
7 under its authority or in its behalf shall receive any money or its equivalent
8 or expend or disburse the same until the committee has chosen a treasurer.

Sec. 4. Whoever acting under the authority or in behalf of a political
2 committee receives any money or its equivalent or promise of the same, or ex-
3 pends or incurs any liability to pay the same, shall on demand, and in any
4 event not later than fourteen days after such receipt, expenditure, promise or
5 liability, give to the treasurer a detailed account of the same.

Sec. 5. The treasurer of every political committee which receives, expends
2 or disburses any money or its equivalent or incurs any liability to pay money
3 in connection with any nomination or election, to an amount exceeding one
4 hundred dollars, shall, within fifteen days after the primary election and again
5 within thirty days after the election, file with the city clerk a statement setting

6 forth all the receipts, expenditures, disbursements and liabilities of the com-
7 mittee and every officer and other person acting under its authority or in its
8 behalf. It shall include the amount in each case received, the name of the per-
9 son or committee from whom received, the date of its receipt, the amount of
10 every expenditure or disbursement, the name of the person or committee to
11 whom it was made and the date thereof, and unless such expenditure or dis-
12 bursement was made to another political committee shall clearly state the pur-
13 pose of such expenditure or disbursement; also the date and amount of every
14 promise or liability both to and from such committee remaining unfulfilled
15 and in force when the statement is made, the name of the person or committee
16 to or from whom the unfulfilled promise or liability exists, and a clear statement
17 of the purpose for which the promise or liability was made or incurred. If the
18 aggregate receipt or disbursement of the political committee in connection with
19 any election shall not exceed one hundred dollars the treasurer of the committee
20 shall within thirty days after the election certify that fact under oath to the
21 city clerk.

Sec. 6. Every candidate for nomination or election to a municipal office
2 who receives, expends or disburses any money or its equivalent or incurs any
3 liability to pay money in connection with his candidacy for nomination or elec-
4 tion to an amount exceeding one hundred dollars shall, within fifteen days after
5 the primary election day or thirty days after the election day, as the case may
6 be, file with the city clerk a statement setting forth all his receipts, expendi-
7 tures, disbursements and liabilities, itemized in the same manner as the state-
8 ment required to be filed by the treasurer of a political committee. If the ag-
9 gregate receipts or disbursements of the candidate in connection with his
10 candidacy for nomination or election shall not exceed one hundred dollars, he
11 shall, within fifteen days after the primary election or thirty days after election
12 day, as the case may be, certify that fact under oath to the city clerk.

Sec. 7. No person who is not a candidate for nomination or election, or
2 the treasurer of a political committee, shall pay, give or lend or agree to pay,
3 give or lend, any money or other valuable things, whether contributed by him-
4 self or by any other person, for any primary election or election expenses what-
5 ever, except to a candidate or to a political committee; and no corporation or of-
6 ficer of any corporation, domestic or foreign, except corporations formed for
7 political purposes, shall make, promise or authorize the payment, gift or loan
8 of any money or other valuable thing, belonging to such corporation, to any
9 candidate or to any political committee or to any person whatever, for the
10 payment of the expenses of any election or primary election; nor shall any per-
11 son, directly or indirectly, solicit, accept or receive any such payment, gift or
12 loan or promise thereof from any corporation or corporate officer.

Sec. 8. Whoever shall make a payment or promise of payment, or accept any
2 payment or promise of payment, or give or accept any other valuable thing or
3 promise thereof, or incur any liability in violation of the preceding sections, or
4 whoever shall fail to make and file a full, complete and truthful statement, as
5 required herein, shall be guilty of a misdemeanor, and if any officer to whose
6 office the provisions of this chapter apply shall be convicted of such misde-
7 meanor his office shall by such conviction become vacant.

Sec. 9. In order to facilitate compliance with the requirements of this Act,
2 the election commissioners shall prepare appropriate blanks upon which the
3 statements required by this Act may be made, which shall be obtainable at their
4 office free of charge, and copies of such blanks shall be sent to each of the per-
5 sons who, by the provisions of this Act, are required to make such statements.

Sec. 10. Upon failure on the part of any person required to make a state-
2 ment to file such statement within the time prescribed by law the circuit or
3 superior court of Cook county may, upon petition of the city clerk or of any

4 five taxpayers enforce compliance with such requirements by mandamus or
5 other process.

Sec. 11. No statement of any liability filed in pursuance of the require-
2 ments of this Act shall be deemed to be an admission, or be received as evi-
3 dence, of such liability for the purpose of enforcing the same.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 12. This Act shall be submitted to the voters of the City of Chi-
2 cago.....and if consented to by a majority of the voters
3 voting on the question, in accordance with the requirements of section 34 of
4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
5 to be adopted at such election it may be resubmitted, if such resubmission
6 shall be directed by an ordinance of the city council or demanded by a petition
7 of ten per cent of the legal voters of the city voting at the last preceding
8 election for mayor, which shall be filed with the city clerk at least thirty days
9 before the election at which the resubmission shall be desired. The ballot to
10 be used at any such election in voting upon this Act shall be substantially in
11 the following form:

Question of adopting "An Act relating to expenditures by candidates for offices in municipal elections to be held in and for the City of Chicago."	Yes	
	No	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to regulate the civil service of the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* There shall be a civil service commission, con-
3 sisting of three members, who shall be appointed by the mayor, by and with
4 the advice and consent of the city council.

5 The mayor shall appoint a commissioner in place of the commissioner
6 whose term of office would have expired within one year after this charter
7 takes effect, for a term of two years; a commissioner in place of the commis-
8 sioner whose term of office would have expired within the year next follow-
9 ing, for a term of four years; and a commissioner in place of the commis-
10 sioner whose term of office would have expired within one year thereafter,
11 for a term of six years; and upon the expiration of the term of office of each

12 commissioner so appointed, his successor shall be appointed for a term of six
13 years.

14 Two commissioners shall constitute a quorum. All appointments to said com-
15 mission shall be so made that not more than two members shall, at the time of
16 appointment, be members of the same political party. Said commissioners shall
17 hold no other lucrative office or employment under the United States, the State
18 of Illinois or any municipal corporation or political division thereof. Each
19 commissioner, before entering upon the duties of his office, shall take the oath
20 prescribed by the constitution of this State.

Sec. 2. All offices and places of employment heretofore classified shall
2 remain classified, and the commissioners shall classify all other municipal offices
3 and places of employment, other than offices or places of employment in the
4 municipal court of Chicago, with reference to the examinations hereinafter
5 provided for, except those offices and places mentioned in section 11 of this
6 article. The offices and places so classified by the commission shall constitute
7 the classified civil service of such city; and on appointments to any of such
8 offices or places shall be made except under and according to the rules herein-
9 after mentioned.

Sec. 3. All rules heretofore made by the commission and now in force shall
2 remain in force until repealed or altered, and the commission shall have power
3 to make and alter rules to carry out the purposes of this article, and for ex-
4 aminations, appointments and removals in accordance with its provisions, and
5 the commission may, from time to time, make changes in the original rules.

Sec. 4. All changes in rules shall forthwith be printed for distribution by
2 said commission; and the commission shall give notice of the place or places
3 where said rules may be obtained by publication in one or more daily news-
4 papers, published in the city; and in each such publication shall be spec-

5 fied the date, not less than ten days subsequent to the date of such publica-
6 tion, when said rules shall go into operation.

Sec. 5. All applicants for offices or places in said classified service, ex-
2 cept those mentioned in section 11, shall be subjected to examination, which
3 shall be public, competitive and free to all citizens of the United States, with
4 specified limitations as to residence, health, habits and moral character. Such
5 examinations shall be practical in their character, and shall relate to those
6 matters which will fairly test the relative capacity of the persons examined to
7 discharge the duties of the position to which they seek to be appointed, and
8 shall include tests of physical qualifications and health, and when appropriate
9 of manual skill. No questions in any examinations shall relate to political or
10 religious opinions or affiliations. The commission shall control all examina-
11 tions, and may, whenever an examination is to take place, designate a suitable
12 number of persons, either in or not in the official service of the city, to be ex-
13 aminers and it shall be the duty of such examiners, and, if in the official ser-
14 vice, it shall be a part of their official duty, without extra compensation, to
15 conduct such examination as the commission may direct, and to make a return
16 or report thereof to said commission and the commission may at any time sub-
17 stitute any other person, whether or not in such service, in the place of any
18 one so selected; and the commission may themselves at any time act as such
19 examiners, and without appointing examiners. The examiners at any examina-
20 tion shall not all be members of the same political party.

Sec. 6. Notice of time and place and general scope of every examination
2 shall be given by the commission by publication for two weeks preceding such
3 examination in a daily newspaper of general circulation published in the city,
4 and such notice shall also be posted by said commission in a conspicuous
5 place in their office for two weeks before such examination. Such further notice
6 of examination may be given as the commission shall prescribe.

Sec. 7. From the returns or reports of the examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of the city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

Sec. 8. The commission shall, by its rules, provide for promotions in such classified service and shall provide that vacancies shall be filled by promotion, in all cases where, in the judgment of the commission, it shall be for the best interests of the service so to fill such vacancy. If, in the judgment of the commission, it is not for the best interests of the service to fill such vacancy by promotion, then such vacancy shall be filled by an original entrance examination: *Provided, however,* that the commission shall in its rules fix upon a credit based upon seniority and ascertained merit in service to be given to all employes in the classified service in line of promotion who submit themselves to such original examination. All promotional examinations shall be limited to such members of the next lower rank or grade as desire to submit themselves to such examination. The method of examination and the rules governing the same and the method of certifying shall be the same as provided for applicants for original appointments.

Sec. 9. The head of the department or office in which a position classified under this Act is to be filled shall notify said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that, in cases of laborers where a choice by com-

6 petition is impracticable, said commission may provide by its rules that the
7 selections shall be made by lot from among those candidates proved fit by ex-
8 amination. In making such certification sex shall be disregarded, except when
9 some statute, the rules of said commission or the appointing power specifies
10 sex. The appointing officer shall notify said commission of each position to
11 be filled separately, and shall fill such place by the appointment of the person
12 certified to him by said commission therefor, which appointment shall be on
13 a probation for a period to be fixed by said rules. Said commission may strike
14 off names of candidates from the register after they have remained thereon
15 more than two years. At or before the expiration of the period of probation
16 the head of the department or office in which a candidate is employed may,
17 by and with the consent of said commission, discharge him upon assigning in
18 writing his reason therefor to said commission. If he is not then discharged
19 his appointment shall be deemed complete. To prevent the stoppage of pub-
20 lic business, or to meet extraordinary exigencies, the head of any department
21 or office may, with the approval of the commission, make temporary appoint-
22 ment to remain in force not exceeding sixty days, and only until regular ap-
23 pointments under the provisions of this article can be made.

Sec. 10. Persons who were engaged in the military or naval service of the
2 United States during the years 1861, 1862, 1863, 1864, 1865, and who were
3 honorably discharged therefrom, shall be preferred for appointments to civil
4 offices, provided they are found to possess the business capacity necessary for
5 the proper discharge of the duties of such office, and it shall be the duty of the
6 examiner or commissioner certifying the list of eligibles who have taken the
7 examination provided for in this Act. to place the name or names of such per-
8 sons at the head of the list of eligibles certified for appointment.

Sec. 11. Officers who are elected by the people, or who are elected by the
2 city council, or whose appointment is subject to confirmation by the city coun-

3 cil, judges and clerks of election, members of board of education, the superin-
 4 tendent, principals and teachers of schools, the business manager, the attorney
 5 and the auditor (if any such officers shall be appointed) of the department of
 6 education, the chief librarian, and the secretary of the public library, the sup-
 7 erintendent of parks, one landscape gardner, one head gardner and one head
 8 animal keeper of the department of parks, heads of any principal depart-
 9 ment of the city, members of the law department, other than clerks and sten-
 10 ographers, not more than two secretaries and stenographers actually perform-
 11 ing service to the mayor, shall not be included in such classified service.

Sec. 12. No person shall be removed from the classified civil service nor
 2 reduced in grade or compensation, except as hereinafter provided.

3 Removals from the classified service or reduction in grade or compensa-
 4 tion, or both, may be made in any department of such service by the appoint-
 5 ing power, to promote the efficiency of the service, or for other proper cause,
 6 in the manner following: The person sought to be removed shall be served
 7 with a copy of the order of removal and notice of suspension from such service
 8 and also written specifications of the cause or causes of removal; and such person
 9 shall have not less than three, nor more than seven days, to answer the same in
 10 writing. A copy of the order, specifications and answer, if any, shall be filed
 11 with the civil service commission, which shall approve or disapprove of such
 12 order. Said commission may, and upon the written request of the person sought
 13 to be removed, shall investigate any removal or reduction, either by or before
 14 itself, or by or before some officer or board appointed by said commission, to
 15 conduct such investigation, in the course of which any such person sought to
 16 be removed shall be given an opportunity to be heard. If any such investigation
 17 is demanded by the person sought to be removed in his written answer, no order
 18 of removal shall be approved by the civil service commission before the in-
 19 vestigation demanded is had. The appointing officer may suspend the person

sought to be removed, with or without pay: *Provided, however,* that said commission, in case of a disapproval, may direct that pay shall be restored. All findings and decisions by said commission, or of the investigating officer, or board, when approved by said commission, shall be final, and shall be certified to the appointing officer and shall be forthwith enforced by such officer.

Reductions in grade or compensation, or both, shall be made in the like manner, as near as may be, but without suspension, pending such approval or disapproval. A copy of said papers in each case shall be made a part of the record of the division of the service in which the removal or reduction is made. Nothing in this Act shall limit the power of any officer to suspend a subordinate without pay for cause assigned in writing, a copy of which shall be delivered to such subordinate. Such suspension shall be for a reasonable period, not exceeding thirty days, and any suspension may be investigated by said civil service commission. In the course of any investigation provided for in this section, each member of the civil service commission, or of any board so appointed by it, and any investigating officer, so appointed, shall have the power to administer oaths, and said commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses on behalf of any party in interest, and the production of books and papers relevant to such investigation.

Nothing in this section shall be construed to require charges or investigations in the case of laborers.

In case it should be found impracticable for any reason whatever to serve any person personally with any notice or order, such notice or order may be left at such person's last known place of residence, or may be sent to such person by registered mail, postage prepaid, addressed to such person at his address as the same appears on the books of the department.

The provisions of this section shall not be taken to apply to any general reduction in grade or compensation, determined or ordained by ordinance of

48 the city council, and not applicable solely to a particular individual sought to
49 be reduced in grade or compensation.

50 The superintendent of education, the business manager, the attorney and
51 the auditor of the department of education shall be removable only for cause,
52 by a vote of not less than a majority of all the members of the board of edu-
53 cation, upon written charges to be heard by the board, upon due notice to
54 the officer against whom they are preferred; but pending the hearing of such
55 charges, the officer may, by a two-thirds vote, be suspended by the board of
56 education.

57 Principals of schools and teachers shall be subject to removal for cause
58 upon written charges, after a hearing before the board of education, or a com-
59 mittee appointed by the board, but the board need not retain in service more
60 principals or teachers than, in its judgment, the needs of the schools
61 require.

Sec. 13. Immediate notice in writing shall be given by the appointing
2 power, to said commission, and all appointments, permanent or temporary,
3 made in such classified civil service, and all transfers, promotions, resignations,
4 or vacancies from any cause in such service, and of the date thereof; and a
5 record of the same shall be kept by said commission. When any office or place
6 of employment is created or abolished, or the compensation attached thereto
7 altered, the officer or board making such change shall immediately report it in
8 writing to said commission.

Sec. 14. The commission shall investigate the enforcement of this Act and
2 of its rules, and the action of the examiners herein provided for, and the con-
3 duct and action of the appointees in the classified service in the city, and
4 may inquire as to the nature, tenure and compensation of all offices and places
5 in the public service thereof. In the course of such investigations each com-

6 missioner shall have power to administer oaths, and said commission shall have
7 power to secure by its subpoena both the attendance and testimony of wit-
8 nesses and the production of books and papers relevant to such investigation.

Sec. 15. Said commission shall, on or before the fifteenth day of January
2 of each year, make to the mayor for transmission to the city council a report
3 showing its own action, the rules in force, the practical effects thereof, and
4 any suggestions it may approve for the more effectual accomplishment of the
5 purpose of this article. The mayor may require a report from said commission
6 at any other time.

Sec. 16. Said commission shall continue to employ a chief examiner, whose
2 duty it shall be, under the direction of the commission, to superintend any ex-
3 amination held in the city under this article, and who shall perform such other
4 duties as the commission shall prescribe. The chief examiner shall be *ex officio*
5 secretary of said commission, under the direction of such commission; he, as
6 such secretary, shall keep the minutes of its proceedings, preserve all reports
7 made to it, keep a record of all examinations held under its direction, and
8 perform such other duties as the commission shall prescribe.

Sec. 17. All officers of the city shall aid said commission in all proper ways
2 in carrying out the provisions of this Act, and at any place where examinations
3 are to be held shall allow reasonable use of public buildings for holding such
4 examinations. The mayor of the city shall cause suitable rooms to be provided
5 for said commission at the expense of the city.

Sec. 18. The salary of each of said commissioners shall be fixed by or-
2 dinance at not less than three thousand dollars per year; and the salary of
3 the chief examiner shall be fixed by ordinance at not less than three thousand
4 dollars per annum. Any person not at the time in the official service of the

5 city, serving as a member of the board of examiners or of a trial board, shall
6 receive compensation for every day actually and necessarily spent in the dis-
7 charge of his duty as an examiner or a member of the trial board, at the rate
8 of five dollars per day.

Sec. 19. A sufficient sum of money shall be appropriated each year to
2 carry out the provisions of this article in the city.

Sec. 20. No person or officer shall willfully or corruptly by himself or in
2 co-operation with one or more other persons, defeat, deceive or obstruct any
3 person in respect to his or her right of examination, or corruptly or falsely
4 mark, grade, estimate or report upon the examination or proper standing of
5 any person examined hereunder or aid in so doing, or willfully or corruptly
6 make any false representation concerning the same, or concerning the person
7 examined, or willfully or corruptly furnish to any person any special or secret
8 information for the purpose of either improving or injuring the prospects
9 or chances of any person so examined or to be examined, being appointed, em-
10 ployed or promoted.

Sec. 21. No applicant for examination for any office or place of employ-
2 ment in said classified service shall willfully or corruptly, by himself or in co-
3 operation with one or more other persons deceive the said commission with
4 reference to his identity, or willfully or corruptly make false representations
5 in his application for such examination, or commit any fraud for the purpose
6 of improving his prospects or chances in such examination.

Sec. 22. No officer or employe of such city shall solicit, orally or by letter,
2 or receive or pay, or be in any manner concerned in soliciting, receiving or
3 paying, any assessment, subscription or contribution for any party or political
4 purpose whatever.

Sec. 23. No person shall solicit, orally or by letter, or be in any manner
2 concerned in soliciting any assessment, contribution or payment, for any party
3 or any political purpose whatever, from any officer or employe in any depart-
4 ment of the city government.

Sec. 24. No person shall in any room or building occupied for the dis-
2 charge of official duties by any officer or employe solicit, orally or by written
3 communication, delivered therein, or in any other manner, or receive any con-
4 tribution of money or other thing of value, for any party or political purpose
5 whatever. No officer, agent, clerk or employe under the government of the
6 city, who may have charge or control of any building, office or room, occupied
7 for any purpose of said government, shall permit any person to enter the same
8 for the purpose of therein soliciting or delivering written solicitations for re-
9 ceiving or giving notice of any political assessments.

Sec. 25. No officer or employe in the service of the city shall, directly or
2 indirectly, give or hand over to any officer or employe in said service, or to
3 any senator or representative or alderman, councilman or commissioner, any
4 money or other valuable thing, on account of or to be applied to the promo-
5 tion of any party or political object whatever.

Sec. 26. No officer or employe of the city shall discharge or degrade or
2 promote, or in any manner change the official rank or compensation of any
3 other officer or employe, or promise or threaten to do so for giving or with-
4 holding or neglecting to make any contribution of money or other valuable
5 thing for any party or political purpose, or for refusal or neglect to render
6 any party or political service.

Sec. 27. No applicant for appointment in said classified civil service, either
2 directly or indirectly, shall pay, or promise to pay any money or other valu-
3 able thing to any person whatever for or on account of his appointment, or

4 proposed appointment, and no officer or employe shall pay or promise to pay,
5 either directly or indirectly, any person any money or other valuable thing
6 whatever for or on account of his promotion.

Sec. 28. No applicant for appointment or promotion in said classified civil
2 service shall ask for or receive a recommendation or assistance from any of-
3 ficer or employe in said service, or of any person upon the consideration of
4 any political service to be rendered to or for such person or for the promotion
5 of such person to any office of appointment.

Sec. 29. No person, while holding any office in the government of the city,
2 or in nomination for, or while seeking a nomination for, or appointment to
3 any such office, shall corruptly use or promise to use, either directly or indi-
4 rectly, any official authority or influence (whether then possessed or merely
5 anticipated) in the way of conferring upon any person, or in order to secure
6 or aid any person in securing any office or public employment, or any nomina-
7 tion, confirmation, promotion or increase of salary upon the consideration or con-
8 dition that the vote or political influence or action of the last named person or
9 any other shall be given or used in behalf of any candidate, officer or party, or
10 upon any other corrupt condition or consideration.

Sec. 30. No accounting or auditing officer shall allow the claim of any
2 public officer for services of any deputy or other person employed in the pub-
3 lic service in violation of the provisions of this article.

Sec. 31. The commission shall certify to the comptroller all appointments
2 to offices and places in the classified civil service, and all vacancies occurring
3 therein, whether by dismissal or resignation or death, and all findings made
4 or approved by the commission under the provisions of section 12 of this arti-
5 cle, that a person shall be discharged from the classified civil service.

Sec. 32. The comptroller shall not approve the payment of, or be in any
2 manner concerned in paying any salary or wages to any person for services
3 as an officer or employe of the city, unless such person is occupying an office or
4 place of employment according to the provisions of law and is entitled to pay-
5 ment therefor.

Sec. 33. The treasurer shall not pay, or be in any manner concerned in
2 paying any person any salary or wages for services as an officer or employe
3 of the city, unless such person is occupying an office or place of employment
4 according to the provisions of law and is entitled to payment therefor.

Sec. 34. Any person who shall be served with a subpoena to appear and
2 testify or to produce books and papers, issued by the commission or by any
3 commissioner or by any board or person acting under the orders of the com-
4 mission in the course of an investigation conducted either under the provisions
5 of section 12 or section 14 of this article, and who shall refuse or neglect to
6 appear or to testify, or to produce books and papers relevant to said investi-
7 gation, as commanded in such subpoena, shall be guilty of a misdemeanor, and
8 shall, on conviction, be punished as provided in section 35 of this article. The
9 fees of witnesses for attendance and travel shall be the same as the fees of
10 witnesses before the circuit courts of this State, and shall be paid from the
11 appropriation for the expenses of the commission. Any circuit court of this
12 State, or any judge thereof, either in term time or vacation, upon application
13 of any such commission, or officer or board, may in his discretion compel the
14 attendance of witnesses, the production of books and papers, and giving of
15 testimony before the commission, or before any such commissioner, investi-
16 gating board or officer, by attachment for contempt or otherwise in the same
17 manner as the production of evidence may be compelled before said court..
18 Every person who, having taken an oath or made affirmation before a commis-

19 sioner or officer appointed by the commission, authorized to administer oaths,
 20 shall swear or affirm willfully, corruptly and falsely shall be guilty of perjury,
 21 and upon conviction shall be punished accordingly.

Sec. 35. Any person who shall willfully, or through culpable negligence,
 2 violate any of the provisions of this article, or any rule promulgated in ac-
 3 cordance with the provisions thereof, shall be guilty of a misdemeanor, and
 4 shall, on conviction thereof, be punished by a fine of not less than fifty dollars
 5 and not exceeding one thousand dollars, or by imprisonment in the county jail
 6 for a term not exceeding six months, or both, such fine and imprisonment, in
 7 the discretion of the court.

Sec. 36. If any person shall be convicted under the next preceding sec-
 2 tion, any public office or place of public employment, which such person may
 3 hold shall, by force of such conviction, be rendered vacant.

Sec. 37. Prosecutions for violations of this article may be instituted
 2 either by the Attorney General, State's Attorney for the county in which the
 3 offense is alleged to have been committed, or by the commission, acting through
 4 special counsel. Such suits shall be conducted and controlled by the prosecut-
 5 ing officers who institute them, unless they request the aid of other prosecuting
 6 officers.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 38. This Act shall be submitted to the voters of the City of Chi-
 2 cago and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article 4 of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a petition

7 of ten per cent of the legal voters of the city voting at the last preceding elec-
 8 tion for mayor, which shall be filed with the city clerk at least thirty days be-
 9 fore the election at which the resubmission shall be desired. The ballot to be
 10 used at any such election in voting upon this Act shall be substantially in the
 11 following form:

Question of adopting "An Act to regulate the civil service of the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to create a department of education for the city of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The city of Chicago shall constitute one school dis-
3 trict, and shall maintain a thorough and efficient system of free schools whereby
4 the children of the city may receive a good common school education. The
5 public school system shall be a department of the city government, to be known
6 as the department of education, at the head of which there shall be a board
7 of education, and no power by this charter vested in the board of education or
8 in any officer of the department shall be exercised by the city council, except as
9 by this charter provided.

Sec. 2. The members of the board of education shall be appointed by the
2 mayor, by and with the approval of the city council, and their number shall be
3 reduced to fifteen, as herein provided. The members of the present board of

4 education shall continue in office until the expiration of their respective terms.
5 As the term of each class of seven members expires, five members shall be ap-
6 pointed in the place of the seven retiring members, and all the members thus
7 appointed, and their successors, shall hold for a term of three years, and until
8 their successors shall be appointed and have qualified.

Sec. 3. The members of the board of education may be paid such compen-
2 sation as the city council may by ordinance provide, not exceeding two thou-
3 sand dollars a year for each member.

Sec. 4. To be eligible for appointment to the board a person shall be at least
2 twenty-five years of age, a citizen of the United States, and shall have been a
3 resident of the city of Chicago for at least five years immediately preceding
4 his or her appointment.

Sec. 5. Members of the board of education shall not while serving as such
2 members hold any other public office under the federal, State, or any local gov-
3 ernment, other than that of notary public, or member of the national guard;
4 but by accepting any such public office while members of the board of educa-
5 tion, or by not resigning any such office held at the time of being appointed
6 to the board of education within thirty days after such appointment, shall be
7 deemed to have vacated their membership in such board.

Sec. 6. No member of the board of education and no member of the de-
2 partment of education shall be interested in the sale, proceeds or profit of any
3 books, apparatus, furniture, supplies, or other property, real or personal, used
4 or to be used in, or in connection with, any of the public schools of the city.
5 Any member of such board or department violating the provision of this section
6 shall, upon conviction thereof, pay a fine in a sum of not less than \$25.00 nor
7 more than \$500.00, and may be imprisoned in the county jail or house of cor-

8 rection for not less than one nor more than twelve months, in the discretion of
9 the court.

Sec. 7. Rules of the board of education shall be enacted or changed, money
2 appropriated or expended, salaries fixed or changed, courses of instruction
3 adopted or changed only at regular meetings of the board of education and by
4 a vote of a majority of the full membership of the board, and upon such propo-
5 sition and upon all propositions requiring for their adoption at least a majority
6 of all the members of the board the yeas and nays shall be taken and recorded.

Sec. 8. The board of education shall, annually, choose one of its members
2 as president and one as vice-president of the board.

Sec. 9. The board of education shall, by a vote of a majority of all its mem-
2 bers, appoint as executive officers a superintendent of education, a business
3 manager, and a secretary, and also appoint, or provide for the appointment of,
4 such other officers and employes as it may deem necessary.

Sec. 10. The board shall, subject to the provisions of this charter, pre-
2 scribe the duties, compensation and terms of office of all officers, but the term of
3 office of no such officer shall exceed four years and the salary of no officer shall
4 be lowered during his term of office, either by the board or by the city council,
5 except by a pro rata reduction that may be necessary in case of a general re-
6 duction affecting all employes. The board shall also prescribe the duties and
7 compensation of all employes of the department. It may prescribe which of
8 its officers or employes shall give bond and in what amount.

Sec. 11. The title of all property, real and personal, held for the use or
2 benefit of schools shall be vested in the city of Chicago in trust for the use of
3 the schools.

Sec. 12. The board of education may, with the concurrence of the city
2 council, to be manifested by the passage of an ordinance for that purpose, ac-
3 quire, by purchase, condemnation or otherwise, real estate for school purposes,
4 including school buildings, play grounds and offices for the board of education.
5 Condemnation proceedings for the purpose of acquiring such property shall be
6 conducted in the name of the city of Chicago for the use of the schools.

Sec. 13. The board of education may rent buildings, rooms or grounds for
2 the use of schools or for the purpose of school administration, but it shall not
3 take any lease or renewal thereof for a term longer than five years without
4 the concurrence of the city council, nor alter the provisions of any lease here-
5 tofore or hereafter made, whose unexpired term may exceed five years, without
6 such concurrence.

Sec. 14. The board of education shall have the power to let school prop-
2 erty on leasehold for a term not longer than ninety-nine years from the date
3 of granting the lease; but it shall not make or renew any lease for a term
4 longer than five years without the concurrence of the city council, nor alter the
5 provisions of any lease heretofore or hereafter made whose unexpired term
6 may exceed five years, without such concurrence.

Sec. 15. The board of education may grant the use of assembly halls and
2 class rooms, when not otherwise needed, including light, heat and attendance,
3 for public lectures, concerts and other educational and social interests, free of
4 charge, but under such provisions and control as the board may see fit.

Sec. 16. No sale of real property used for school purposes or held in trust
2 for the schools shall be made by the city council except upon written request of
3 the board of education. Personal property other than leaseholds for terms of
4 years belonging to the department and no longer needed for its purposes may
5 be sold under its direction.

Sec. 17. All moneys raised by taxation for school purposes or received
2 from the State common school fund or from any other source for school pur-
3 poses shall be held by the city treasurer as a separate fund for school purposes,
4 subject to the order of the board of education upon a warrant of its president,
5 to be countersigned by the mayor and city comptroller.

Sec. 18. Investment of school funds shall only be made in government,
2 State or municipal securities.

Sec. 19. The mayor shall as often as yearly, and may as often as semi-
2 annually, appoint certified public accountants to examine and audit the accounts
3 of the board of education, and a report thereof, together with any recommen-
4 dations of such accountants as to changes in the business methods of the board
5 or any of its departments, officers or employes, shall be made to the mayor,
6 the city council, and the board of education, and be spread upon the rec-
7 ords of the latter. The expense of such audit shall be paid by the board.

Sec. 20. The board of education shall make an annual report to the city
2 council. Such report shall contain a statement of the receipts and expendi-
3 tures for the preceding fiscal year, stating the sources of such receipts, and
4 the several objects or purposes of such expenditures. Said report shall contain
5 such other matter as the city council may require.

Sec. 21. The board of education shall exercise general supervision and
2 management of the public education and the public school system of the city
3 of Chicago and shall have power to make suitable provision for the establish-
4 ment and maintenance throughout the year, or for such portion of the year as
5 it may direct, of school of all grades and kinds, including normal schools, night
6 schools, schools for defectives and delinquents, parental or truant schools,
7 schools for the blind, the deaf and the crippled, schools or classes in manual
8 training, constructional and avocational teaching, domestic arts and physical

9 culture, vacation and extension schools and lecture courses and all other
 10 educational institutions and facilities. It shall have power to co-operate with
 11 the juvenile court and to make arrangements with the public or quasi-public li-
 12 braries and museums for the purpose of extending the privilege of such li-
 13 braries and museums to attendants of schools and the public in the neighbor-
 14 hood of the schools.

Sec. 22. The board of education shall establish by-laws, rules and regu-
 2 lations for the proper maintenance of a uniform system of discipline and man-
 3 agement of the schools, and may fix the school age of pupils, the minimum of
 4 which in kindergarten schools shall not be under four years and in the grade
 5 schools shall not be under six years.

6 It shall have the power to expel any pupil who shall be guilty of gross
 7 disobedience or misconduct.

Sec. 23. The board of education shall have continuing power to divide
 2 the city into subdistricts and apportion the pupils to the several schools,
 3 but no pupil shall be excluded from nor segregated in any such school on ac-
 4 count of his or her race, color or nationality.

Sec. 24. The board of education shall have power to prescribe the courses
 2 and method of studies in the various schools, subject to the general laws of
 3 the State.

Sec. 25. The specification of the powers herein granted is not to be con-
 2 strued as exclusive, but the board of education shall exercise all powers that
 3 may be requisite or appropriate for the administration, maintenance and full-
 4 est development of an efficient public school system.

Sec. 26. The superintendent of education shall have general supervision,
 2 subject to the board, of the courses of study, text books, educational apparatus,

3 discipline and conduct of the schools and shall perform such other duties as
4 the board may by rule prescribe.

Sec. 27. Subject to the control of the board of education, the business man-
2 ager shall have care and supervision of the property of the department of
3 education.

Sec. 28. The board of education shall examine all persons offering them-
2 selves as candidates for teachers, and when found well qualified shall give them
3 certificates gratuitously. Appointments and promotions of teachers and princi-
4 pals shall be made for merit only. They shall be subject to such rules concern-
5 ing conduct and efficiency as the board may prescribe, and shall be subject to
6 removal by the board, upon written charges, after a hearing before the board
7 of a committee appointed by it; but the board need not retain in service more
8 teachers and principals than, in its judgment, the needs of the schools require.

9 The superintendent of education, the business manager, the attorney and
10 the auditor of the department of education shall be removable only for cause
11 by a vote of not less than a majority of all the members of the board of educa-
12 tion, upon written charges to be heard by the board, upon due notice to the
13 officer against whom they are preferred; but pending the hearing of such
14 charges, the officer charged may, by a two-thirds vote, be suspended by the
15 board of education.

16 Principals of schools and teachers shall be subject to removal for cause
17 upon written charges after a hearing before the board of education, or a com-
18 mittee appointed by the board, but the board need not retain in service more
19 principals or teachers than in its judgment, the needs of the schools require.

Sec. 29. The board of education shall have the power, subject to the
2 power over appropriation vested in the city council, to prescribe the compen-
3 sation of teachers and other educational officers.

Sec. 30. The provision of this Act regarding education shall constitute a
2 part of the law intended to provide for the city of Chicago a system of free
3 schools, and shall be construed in connection with the general school law of
4 the State. Except as by this Act modified, the provisions of the general school
5 law shall apply to the city of Chicago, and for the purpose of sharing in
6 the distribution of the common school fund and other distributive funds, the
7 schools of the city shall be deemed to be kept in accordance with the provisions
8 of said law.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 31. This Act shall be submitted to the voters of the city of Chicago
2, and if consented to by a majority of the
3 voters voting on the question, in accordance with the requirements of section
4 34 of article IV of the Constitution, shall thereupon take effect. If this Act shall
5 fail to be adopted at such election it may be resubmitted, if such resubmission
6 shall be directed by an ordinance of the city council or demanded by a petition
7 of 10 per cent of the legal voters of the city voting at the last preceding elec-
8 tion for mayor, which shall be filed with the city clerk at least thirty days before
9 the election at which the resubmission shall be desired. The ballot to be used
10 at any such election in voting upon this Act shall be substantially in the follow-
11 ing form:

Question of adopting "An Act to create a department of education for the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to confer the right to vote at municipal elections upon women citizens
of the City of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
in the General Assembly: All women citizens of the city of Chicago, possess-
ing all qualifications required of men for voting, save the qualification of male
sex, shall be entitled to vote on the same terms as men at all elections held in
and for the city of Chicago or any portion of the city.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 2. This Act shall be submitted to the voters of the City of Chi-
cago.....and if consented to by a majority of the voters
voting on the question. in accordance with the requirements of section 34 of

4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a petition
 7 of ten per cent of the legal voters of the city voting at the last preceding
 8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act shall be substantially in
 11 the following form:

Question of adopting "An Act to confer the right to vote at municipal elections upon women citizens of the city of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act relative to the term of office and the time of holding elections for officers
of the municipal court of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the associate judges of the municipal court of
3 Chicago elected in the years 1910, 1912 and 1914 respectively, and the successor
4 of the present chief justice of said court, shall be elected for terms expiring on
5 the first Monday in June of the sixth year subsequent to the year of their elec-
6 tion; and thereafter all judges of said court shall be elected upon the first
7 Monday of June of the year in which the terms of their predecessors expire,
8 for a term of six years, and all said judges shall hold office until their succes-
9 sors shall have been elected and have qualified.

10 In case any additional associate judges shall be created in accordance with
11 the provisions of section 12 of the Act creating said court, their election shall

12 be held on the first Monday of June next after the enactment of the ordinance
13 creating such additional judgeships.

Sec. 2. Nominations of candidates for the offices of chief justice and as-
2 sociate justices of said court shall be made by nomination papers only and
3 not otherwise, and shall be governed by the provisions made for such nomina-
4 tions by an Act entitled, "An Act to provide for the printing and distribution
5 of ballots at public expense, and for the nomination of candidates for public
6 offices, to regulate the manner of holding elections, and to enforce the secrecy
7 of the ballot," approved June 22, 1891; except that not more than one thousand
8 qualified voters shall be required to join in any petition or paper nominating
9 such candidate or candidates, and except that the paper shall not in any manner
10 designate or indicate the political party or principle which the candidate or can-
11 didates may represent.

Sec. 3. The names of all candidates for the office of chief justice of said
2 court, and the names of all candidates for the office of associate justice of said
3 court, shall be printed on the ballots to be used at the election, under the
4 designation of each office, respectively, in one column (so that there shall be
5 one column for the chief justice, if any is to be elected, and one column for
6 all offices of associate justices to be filled), in a rotating order so that as
7 nearly as practicable the name of each candidate shall occupy the same relative
8 position as the name of any other candidate for the same office on the same
9 number of ballots used in each election precinct. The names on said ballots
10 shall be printed without adding any designation of party affiliation or prin-
11 ciple. In all other respects such election shall be conducted in accordance with
12 the laws of the State.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 4. This Act shall be submitted to the voters of the City of Chi-
2 cago.....and if consented to by a majority of the voters

3 voting on the question, in accordance with the requirements of section 34 of
4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
5 to be adopted at such election it may be resubmitted, if such resubmission
6 shall be directed by an ordinance of the city council or demanded by a petition
7 of ten per cent of the legal voters of the city voting at the last preceding
8 election for mayor, which shall be filed with the city clerk at least thirty days
9 before the election at which the resubmission shall be desired. The ballot to
10 be used at any such election in voting upon this Act shall be substantially in
11 the following form:

Question of adopting "An Act relative to the term of office and the time of holding elections for officers of the Muni- cipal Court of Chicago."	Yes.	
	No.	

- 1 Introduced by Mr. Kittleman, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Chicago Charter.

A BILL

For an Act to provide for the regulation of Sunday observance in the city of
Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The city council shall have power to enact ordi-
3 nances relative to the observance of Sunday in the city of Chicago, and espe-
4 cially with regard to the closing or keeping open on that day of places of busi-
5 ness, accommodation or entertainment, which ordinances shall, to the extent of
6 their operation, supercede any now existing law of the State on the subject of
7 Sunday observance.

8 No provision relative to the closing or keeping open of places on Sunday
9 for the sale of intoxicating liquors shall take effect until the same shall have
10 been submitted to the voters of the city in such manner that it can be voted
11 upon separately from any other provision, and shall have been consented to

12 by a majority of the voters voting upon the question, and every such provi-
 13 sion shall be further subject to the terms and conditions upon which any dis-
 14 trict may have been or may hereafter be annexed to the city.

15 Nothing in this Act contained shall be construed as affecting or impairing
 16 the powers of the Legislature to enact laws relative to the observance of
 17 Sunday, to be operative in every portion of the State; but no general law on
 18 such subject shall be presumed to be intended to apply to the city of Chicago
 19 in so far as its provisions conflict with provisions made by the city council
 20 under the power hereby granted, unless the Legislature expressly declares its
 21 intent that such law shall be operative in every portion of the State, any provi-
 22 sions made under any powers of local government to the contrary notwith-
 23 standing.

SUBMISSION OF ACT TO POPULAR VOTE.

Sec. 2. This Act shall be submitted to the voters of the City of Chi-
 2 cago.....and if consented to by a majority of the voters
 3 voting on the question, in accordance with the requirements of section 34 of
 4 article IV of the Constitution, shall thereupon take effect. If this Act shall fail
 5 to be adopted at such election it may be resubmitted, if such resubmission
 6 shall be directed by an ordinance of the city council or demanded by a petition
 7 of ten per cent of the legal voters of the city voting at the last preceding
 8 election for mayor, which shall be filed with the city clerk at least thirty days
 9 before the election at which the resubmission shall be desired. The ballot to
 10 be used at any such election in voting upon this Act shall be substantially in
 11 the following form:

Question of adopting "An Act to provide for the regu- lation of Sunday observance in the city of Chicago."	Yes.	
	No.	

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- 1 Introduced by Mr. Pervier, March 23, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section four (4), five (5) and six (6) of an Act entitled, “An Act to protect cemeteries and to provide for their regulation and management,” approved June 29, 1885, in force July 1, 1885, as amended by an Act approved June 3, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections four (4), five (5) and six (6) of an “Act to protect cemeteries and to provide for their regulation and management” be, and the same is hereby amended to read as follows:

5 Sec. 4. The board of directors of such cemetery society, or cemetery as-
6 sociation, *or the trustees of any public graveyard*, may set apart such portion
7 as they see fit of the moneys received from the sale of the lots. in such ceme-
8 tery *or graveyard*, which sums shall be kept separate from all other assets as
9 an especial trust fund, and they shall keep the same invested in safe interest

10 or income paying securities, for the purpose of keeping said cemetery *or* grave-
11 yard, and the lots therein, permanently in good order and repair, and the inter-
12 est or income derived from such trust fund shall be applied only to that purpose,
13 and shall not be diverted from such use.

14 Sec. 5. It shall be the duty of the board of directors of such cemetery
15 society, or cemetery association, *or trustees of a public graveyard* to receive
16 by gift or bequest, real or personal property, or the income or avails of prop-
17 erty which shall be conveyed in trust for the improvement, maintenance, re-
18 pair, preservation and ornamentation of such lot or lots, vault or vaults, tomb
19 or tombs, or other such structures in the cemetery *or graveyard* of which such
20 board *or trustees* have control, as may be designated by the terms of such gift
21 or bequest, and in accordance with such reasonable rules and regulations there-
22 for, as shall be made by such board of directors *or trustees*, and such board of
23 directors *or trustees* shall keep such trust funds invested in safe interest or
24 income bearing securities, the income from which shall be used for the purpose
25 aforesaid.

26 Sec. 6. The trust fund mentioned in sections four (4) and five (5) of
27 this Act, shall be vested in said board of directors *or trustees*, and the securi-
28 ties taken therefor shall be approved by the county wherein such cemetery
29 *or graveyard* is located; and said board of directors *or trustees* shall, once in
30 every two years, make an itemized report to said judge of all such trust funds
31 in their hands, and the securities taken therefor.

- 1 Introduced by Mr. Pierson, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section one of article five of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, as amended by an Act approved and in force March 30, 1887, and as amended by an Act approved and in force December 31, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section one of article five
3 of an Act entitled 'An Act to provide for the incorpora-
4 tion of cities and villages,' approved April 10, 1872, and
5 in force July 1, 1872, as amended by an Act approved
6 and in force March 30, 1887, and as amended by an Act
7 approved and in force December 31, 1907, be amended so
8 as to read as follows:

9 Section 1. The city council in cities, and president of the board of trus-
10 tees in villages, shall have the following powers:

11 *First*—To control the finances and property of the corporation.

12 *Second*—To appropriate money for corporate purposes only, and provide
13 for payment of debts and expenses of the corporation.

14 *Third*—To levy and collect taxes for general and special purposes on real
15 and personal property.

16 *Fourth*—To fix the amount, terms and manner of issuing and revoking licenses.

17 *Fifth*—To borrow money on the credit of the corporation for corporate pur-
18 poses and issue bonds therefor, in such amounts and form and on such condi-
19 tions as it shall prescribe, but shall not become indebted in any manner or for
20 any purpose to an amount, including existing indebtedness, in the aggregate
21 to exceed five (5) per centum on the value of the taxable property therein, to
22 be ascertained by the last assessment for the State and county taxes previous
23 to the incurring of such indebtedness; and before or at the time of incurring any
24 indebtedness, shall provide for the collection of a direct annual tax sufficient to
25 pay the interest on such debt as it falls due, and also to pay and discharge the
26 principal thereof within twenty years after contracting the same.

27 *Sixth*—To issue bonds in place of or to supply means to meet maturing
28 bonds, or for the consolidation or funding of the same.

29 *Seventh*—To lay out, to establish, open, alter, widen, extend, grade, pave
30 or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and
31 public grounds and vacate the same.

32 *Eighth*—To plant trees upon the same.

33 *Ninth*—To regulate the use of the same.

34 *Tenth*—To prevent and remove encroachments or obstructions upon the
35 same.

36 *Eleventh*—To provide for the lighting of the same.

37 *Twelfth*—To provide for the cleansing of the same.

38 *Thirteenth*—To regulate the openings therein for the laying of gas or
39 water mains and pipes, and the building and repairing of sewers, tunnels and

40 drains, and erecting gas lights: *Provided, however,* that any company here-
 41 tofore organized under the general laws of this State, or any association of
 42 persons organized, or which may be hereafter organized, for the purpose of
 43 manufacturing illuminating gas to supply cities or villages, or the inhabitants
 44 thereof with the same, shall have the right, by consent of the common coun-
 45 cil (subject to existing rights), to erect gas factories and lay down pipes in
 46 the streets or alleys of any city or village in this State, subject to such
 47 regulations as any such city or village may by ordinance impose.

48 *Fourteenth*—To regulate the use of sidewalks and all structures there-
 49 under; and to require the owner or occupant of any premises to keep the side-
 50 walks in front of, or along the same, free from snow and other obstructions.

51 *Fifteenth*—To regulate or prevent the throwing or depositing of ashes,
 52 offal, dirt, garbage or any offensive matter in, and to prevent injury to any
 53 street, avenue, alley or public ground.

54 *Sixteenth*—To provide for and regulate crosswalks, curbs and gutters.

55 *Seventeenth*—To regulate and prevent the use of streets, sidewalks and
 56 public grounds for signs, sign posts, awnings, awning posts, telegraph poles,
 57 horse troughs, racks, posting hand bills and advertisements.

58 *Eighteenth*—To regulate and prohibit the exhibition or carrying of ban-
 59 ners, placards, advertisements or hand bills in the streets or public grounds, or
 60 upon the sidewalks.

61 *Nineteenth*—To regulate and prevent the flying of flags, banners or signs
 62 across the streets or from houses.

63 *Twentieth*—To regulate traffic and sales upon the streets, sidewalks and
 64 public places.

65 *Twenty-first*—To regulate the speed of horses and other animals, vehi-
 66 cles, cars and locomotives within the limits of the corporation.

67 *Twenty-second*—To regulate the numbering of houses and lots.

68 *Twenty-third*—To name and change the name of any street, avenue, alley
69 or other public place .

70 *Twenty-fourth*—To permit, regulate or prohibit the locating, constructing
71 or laying a track of any horse railroad in any street, alley or public place;
72 but such permission shall not be for a longer time than for twenty years.

73 *Twenty-fifth*—To provide for and change the location, grade and cross-
74 ing of any railroad.

75 *Twenty-sixth*—To require railroad companies to fence their respective rail-
76 roads, or any portion of the same, and to construct cattle guards, crossings of
77 streets and public roads, and keep the same in repair, within the limits of the
78 corporation. In case any railroad company shall fail to comply with any such
79 ordinance, it shall be liable for all damages the owner of any cattle or horses
80 or other domestic animal may sustain by reason of injuries thereto while on
81 the track of such railroad, in like manner and extent as under the general laws
82 of this State relative to the fencing of railroads; and actions to recover such
83 damages may be instituted before any justice of the peace or other court of
84 competent jurisdiction.

85 *Twenty-seventh*—To require railroad companies to keep flagmen at rail-
86 road crossings of streets, and provide protection against injury to persons and
87 property in the use of such railroads. To compel such railroads to raise or
88 lower their railroad tracks to conform to any grade which may at any time be
89 established by said city, and where such tracks run lengthwise of any such
90 street, alley or highway, to keep their railroad tracks on a level with the
91 street surface so that such tracks may be crossed at any place on such
92 street, alley or highway. To compel and require railroad companies to make
93 and keep open and to keep in repair ditches, drains, sewers and culverts along
94 and under their railroad tracks, so that filthy or stagnant pools of water can
95 not stand on their grounds or right of way, and so that the natural drainage
96 of adjacent property shall not be impaired.

97 *Twenty-eighth*—To construct and keep in repair bridges, viaducts and
98 tunnels, and to regulate the use thereof.

99 *Twenty-ninth*—To construct and keep in repair culverts, drains, sewers
100 and cesspools and to regulate the use thereof.

101 *Thirtieth*—To deepen, widen, dock, cover, wall, alter or change channel of
102 water courses.

103 *Thirty-first*—To construct and keep in repair canals and slips for the ac-
104 commodation of commerce.

105 *Thirty-second*—To erect and keep in repair public landing places, wharves,
106 docks and levees.

107 *Thirty-third*—To regulate and control the use of public and private land-
108 ing places, wharves, docks and levees.

109 *Thirty-fourth*—To control and regulate the anchorage, moorage and land-
110 ing of all water craft and their cargoes within the jurisdiction of the corpor-
111 ation.

112 *Thirty-fifth*—To license, regulate and prohibit wharf boats, tugs and other
113 boats used about the harbor or within such jurisdiction.

114 *Thirty-sixth*—To fix the rate of wharfage and dockage.

115 *Thirty-seventh*—To collect wharfage and dockage from all boats, rafts or
116 other craft landing at or using any public landing place, wharf, dock
117 or levee within the limits of the corporation.

118 *Thirty-eighth*—To make regulations in regard to the use of harbors, towing
119 of vessels, opening and passing of bridges.

120 *Thirty-ninth*—To appoint harbor masters and define their duties.

121 *Fortieth*—To provide for the cleansing and purification of waters, water
122 courses and canals, and the draining or filling of ponds on private property,
123 whenever necessary to prevent or abate nuisances.

124 *Forty-first*—To license, tax, regulate, suppress and prohibit hawkers, ped-
 125 dlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions,
 126 shows and amusements, and to revoke such license at pleasure.

127 *Forty-second*—To license, tax and regulate hackmen, draymen, omnibus
 128 drivers, carters, cabmen, porters, expressmen and all others pursuing like oc-
 129 cupations, and to prescribe their compensation.

130 *Forty-third*—To license, regulate, tax and restrain runners for stages,
 131 cars, public houses or other things or persons.

132 *Forty-fourth*—To license, regulate, tax or prohibit and suppress billiard,
 133 bagatelle, pigeon hole or any other tables or implements kept or used for a
 134 similar purpose in any place of public resort, pin alleys and ball alleys.

135 *Forty-fifth*—To suppress bawdy and disorderly houses, houses of ill fame
 136 or assignation within the limits of the city and within three miles of the outer
 137 boundaries of the city; and also to suppress gaming and gambling houses,
 138 lotteries and all fraudulent devices and practices for the purpose of gaining
 139 or obtaining money or property; and to prohibit the sale or exhibition of ob-
 140 scene or immoral publications, prints, pictures or illustrations.

141 *Forty-sixth*—To license, regulate and prohibit the selling or giving away
 142 of intoxicating, malt, vinous, mixed or fermented liquor, the license not
 143 to extend beyond the municipal year in which it shall be granted, and to de-
 144 termine the amount to be paid for such license: *Provided*, that the city coun-
 145 cil in cities, or president and board of trustees in villages, may grant per-
 146 mits to druggists for the sale of liquors for medicinal, mechanical, sacra-
 147 mental and chemical purposes only, subject to forfeiture, and under such re-
 148 strictions and regulations as may be provided by ordinance: *Provided, fur-*
 149 *ther*, that in granting licenses, such corporate authorities shall comply with
 150 whatever general law of the State may be in force relative to the granting of
 151 licenses.

152 *Forty-seventh*—The foregoing shall not be construed to affect the provi-
 153 sions of the charter of any literary institution heretofore granted.

154 *Forty-eighth*—Any city council in cities, and president and board of
 155 trustees in villages, shall also have the power to forbid and punish the sell-
 156 ing or giving away of any intoxicating, malt, vinous, mixed or fermented
 157 liquor to any minor, apprentice or servant or insane, idiotic or distracted
 158 person, habitual drunkard or person intoxicated.

159 *Forty-ninth*—To establish markets and market houses and provide for the
 160 regulation and use thereof.

161 *Fiftieth*—To regulate the sale of meats, poultry, fish, butter, cheese, lard,
 162 vegetables and all other provisions, and to provide for place and manner of
 163 selling the same.

164 *Fifty-first*—To prevent and punish forestalling and regrating.

165 *Fifty-second*—To regulate the sale of bread in the city or village; pre-
 166 scribe the weight and quality of the bread in the loaf.

167 *Fifty-third*—To provide for and regulate the inspection of meats, poultry,
 168 fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other pro-
 169 visions.

170 *Fifty-fourth*—To regulate the inspection, weighing and measuring of
 171 brick, lumber, fire wood, coal, hay and any article of merchandise.

172 *Fifty-fifth*—To provide for the inspection and sealing of weights and
 173 measures.

174 *Fifty-sixth*—To enforce the keeping and use of proper weights and meas-
 175 ures by vendors.

176 *Fifty-seventh*—To regulate the construction, repairs and use of vaults,
 177 cisterns, areas, hydrants, pumps, sewers and gutters.

178 *Fifty-eighth*—To regulate places of amusement.

179 *Fifty-ninth*—To prevent intoxication, fighting, quarreling, dog fights, cock
 180 fights and all disorderly conduct.

181 *Sixtieth*—To regulate partition fences and party walls

182 *Sixty-first*—To prescribe the thickness, strength and manner of construct-
183 ing stone, brick and other buildings and construction of fire escapes therein.

184 *Sixty-second*—The city council, and the president and trustees in vil-
185 lages, for the purpose of guarding against the calamities of fire, shall have
186 power to prescribe the limits within which wooden buildings shall not be
187 erected or placed, or repaired, without permission, and to direct that all and
188 any buildings within the fire limits, when the same shall have been damaged
189 by fire, decay or otherwise, to the extent of fifty per cent of the value, shall
190 be torn down or removed, and to prescribe the manner of ascertaining such
191 damage.

192 *Sixty-third*—To prevent the dangerous construction and condition of
193 chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus
194 used in and about any building and manufactory, and to cause the same to
195 be removed or placed in a safe condition, when considered dangerous; to reg-
196 ulate and prevent the carrying on of manufactories dangerous in causing and
197 promoting fires; to prevent the deposit of ashes in unsafe places, and to
198 cause all such buildings and enclosures as may be in a dangerous state to be
199 put in a safe condition.

200 *Sixty-fourth*—To erect engine houses and provide fire engines, hose carts,
201 hooks and ladders and other implements for prevention and extinguishment
202 of fires, and provide for the use and management of the same by voluntary
203 fire companies or otherwise.

204 *Sixty-fifth*—To regulate and prevent storage of gunpowder, tar, pitch,
205 resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum or
206 any of the products thereof, and other combustible or explosive material, and
207 the use of lights in stables, shops and other places, and the building of bon
208 fires; also to regulate and restrain the use of fireworks, firecrackers, torpe-
209 does, Roman candles, sky rockets and other pyrotechnic displays.

210 *Sixty-sixth*—To regulate the police of the city or village, and pass and
211 enforce all necessary police ordinances.

212 *Sixty-seventh*—To provide for the inspection of steam boilers.

213 *Sixty-eighth*—To prescribe the duties and powers of a superintendent of
214 police, policemen and watchmen.

215 *Sixty-ninth*—To establish and erect calaboooses, bridewells, houses of cor-
216 rection and workhouses for the reformation and confinement of vagrants, idle
217 and disorderly persons and persons convicted of violating any city or village
218 ordinance, and make rules and regulations for the government of the same, and
219 appoint necessary keepers and assistants.

220 *Seventieth*—To use the county jail for the confinement or punishment of
221 offenders, subject to such conditions as are imposed by the law, and with the con-
222 sent of the county board.

223 *Seventy-first*—To provide by ordinance in regard to the relation between
224 all the officers and employes of the corporation in respect to each other, the
225 corporation and the people.

226 *Seventy-second*—To prevent and suppress riots, routs, affrays, noises, dis-
227 turbances, disorderly assemblies in any public or private place.

228 *Seventy-third*—To prohibit and punish cruelty to animals.

229 *Seventy-fourth*—To restrain and punish vagrants, mendicants and prosti-
230 tutes.

231 *Seventy-fifth*—To declare what shall be a nuisance, and to abate the same;
232 and to impose fines upon parties who may create, continue or suffer nuisance
233 to exist.

234 *Seventy-sixth*—To appoint a board of health, and prescribe its powers and
235 duties.

236 *Seventy-seventh*—To erect and establish hospitals and medical dispensar-
237 ies and control and regulate the same.

238 *Seventy-eighth*—To do all acts, make all regulations which may be nec-
 239 essary or expedient for the promotion of health or the suppression of disease.

240 *Seventy-ninth*—To establish and regulate cemeteries within or without the
 241 corporation, and acquire lands therefor, by purchase or otherwise, and cause
 242 cemeteries to be removed, and prohibit their establishment within one mile of
 243 the corporation.

244 *Eightieth*—To regulate, restrain and prohibit, the running at large of
 245 horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on
 246 dogs.

247 *Eighty-first*—To direct the location and regulate the management and
 248 construction of packing houses, renderies, tallow chandleries, bone factories,
 249 soap factories and tanneries, within the limits of the city or village and with-
 250 in the distance of one mile without the city or village limits.

251 *Eighty-second*—To direct the location and regulate the use and construc-
 252 tion of breweries, distilleries, livery stables, blacksmith shops and founderies
 253 within the limits of the city or village.

254 *Eighty-third*—To prohibit any offensive or unwholesome business or estab-
 255 lishment within or within one mile of the limits of the corporation.

256 *Eighty-fourth*—To compel the owner of any grocery, cellar, soap or tallow
 257 chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or
 258 nauseous house or place, to cleanse, abate or remove the same, and to regulate
 259 the location thereof.

260 *Eighty-fifth*—The city council or trustees of a village shall have power to
 261 provide for the taking of the city or village census; but no city or village
 262 census shall be taken by authority of the council or trustees oftener than once
 263 in three years.

264 *Eighty-sixth*—To provide for the erection and care of all public buildings
 265 necessary for the use of the city or village.

266 *Eighty-seventh*—To establish ferries, toll bridges and license and regulate
267 the same, and from time to time fix tolls thereon.

268 *Eighty-eighth*—To authorize the construction of mills, mill races and feed-
269 ers on, through or across the streets of the city or village, at such places and
270 under such restrictions as they shall deem proper.

271 *Eighty-ninth*—The city council shall have power, by condemnation or
272 otherwise, to extend any street, alley or highway over or across or to con-
273 struct any sewer under or through any railroad track, right of way, or land
274 of any railroad company (within the corporate limits); but where no compen-
275 sation is made to such railroad company the city shall restore such railroad
276 track, right of way or land to its former state, or in a sufficient manner not
277 to have impaired its usefulness.

278 *Ninetieth*—The city council or board of trustees shall have no power to
279 grant the use of or the right to lay down any railroad tracks in any street
280 of the city to any steam, dummy, electric, cable, horse or other railroad com-
281 pany, whether the same shall be incorporated under any general or special law
282 of the State, now or hereafter in force, except upon the petition of the own-
283 ers of the land representing more than one-half of the frontage of the street,
284 or so much thereof as is sought to be used for railroad purposes, and when
285 the street or part thereof sought to be used shall be more than one mile in
286 extent, no petition of land owners shall be valid unless the same shall be
287 signed by the owners of the land representing more than one-half of the front-
288 age of each mile and of the fraction of a mile, if any, in excess of the whole
289 miles, measuring from the initial point named in such petition, of such street
290 or of the part thereof sought to be used for railroad purposes.

291 *Ninety-first*—To tax, license and regulate auctioneers, distillers, brewers,
292 lumber yards, livery stables, public scales, money changers and brokers.

293 *Ninety-second*—To prevent and regulate the rolling of hoops, playing of
294 ball, flying of kites or any other amusement or practice having a tendency to

295 annoy persons passing in the streets or on the sidewalks, or to frighten teams
296 and horses.

297 *Ninety-third*—To regulate and prohibit the keeping of any lumber yard,
298 and the placing or piling or selling any lumber, timber, wood or other com-
299 bustible material within the fire limits of the city.

300 *Ninety-fourth*—To provide by ordinance that all the paper, printing, sta-
301 tionery, blanks, fuel and all the supplies needed for the use of the city shall
302 be furnished by contract let to the lowest bidder.

303 *Ninety-fifth*—To tax, license and regulate second-hand and junk stores,
304 and to forbid their purchasing or receiving from minors, without the written
305 consent of their parents or guardians, any article whatsoever.

306 *Ninety-sixth*—To pass all ordinances, rules, and make all regulations
307 proper or necessary to carry into effect the powers granted to cities or vil-
308 lages, with such fines or penalties as the city council or board of trustees
309 shall deem proper: *Provided*, no fine or penalty shall exceed \$200.00, and no
310 imprisonment shall exceed six months for one offense.

Sec. 2. WHEREAS, an emergency exists, this Act shall be in force and take
2 effect from and after its passage.

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- 1 Introduced by Mr. Rigney, March 23, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend an Act entitled, "An Act in relation to the probate of wills," approved June 3, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act in relation to the probate of wills," approved June 3, 1897, in force July 1, 1897, be amended to read as follows:

That before any will shall be admitted to probate the person desiring to have the same probated shall file a petition in the probate court of the proper county asking that said will be admitted to probate, which petition shall state the time and place of the death of the testator and the place of his residence at the time of his death, also the names of all of the heirs-at-law and legatees, with the place of residence of each, when known, and when unknown the petition shall so state, and the said petition shall be verified by the affi-

12 davit of the petitioner. And thereupon the clerk of said county court shall
13 send by mail to each of said parties a copy of said petition, within five days
14 after the filing thereof, and not less than twenty days prior to the hearing on
15 said petition. And in case the postoffice address of any of said parties is not
16 shown by the said petition, then publication shall be made for at least three
17 weeks before the day set for the hearing in a newspaper of general circulation
18 published in the county where said will is to be offered for probate, which
19 publication notice shall contain the name of the testator, the heirs-at-law and
20 legatees, when known, the time and place where said will is to be offered for
21 probate: *Provided*, that in case such a petition is not filed and a will has
22 been deposited in said county court for the space of 10 days, then it shall be
23 the duty of the county court to proceed to probate said will without petition
24 being filed, but only after having caused publication and notice of the inten-
25 tion to probate said will to be given to the parties in interest as to the court
26 may seem proper: *And, provided, further, that if, on the presentation of such*
27 *petition, all of the heirs and legatees of such testator shall personally appear*
28 *in court or, in case they are of legal age and under no disability shall file in*
29 *writing their appearance and waiver of notice, then, such will may be admitted*
30 *to probate without notice.*

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- 1 Introduced by Mr. Shanahan, March 23, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to appropriate fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary, for the purpose of paying for additional improvements for and in connection with the construction of the Seventh Infantry Illinois National Guard armory, situated in the city of Chicago, State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of fifteen thousand dollars (\$15,000.00),
3 or so much thereof as may be necessary, is hereby appropriated for the purpose
4 of paying for additional improvements for and in connection with the construc-
5 tion of the Seventh Infantry Illinois National Guard armory, situated in the
6 city of Chicago, State of Illinois, and for the purpose of constructing an ad-
7 ditional story over the boiler, fan and toilet room for target practice and in-
8 stalling fan system, finishing four rooms in towers, purchasing individual
9 enlisted men's lockers, and for such other and further improvements as the
10 Adjutant General may determine.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant for the sum herein specified, upon the presentation of
3 proper vouchers, certified to by the Adjutant General and approved by the
4 Governor and the Treasurer shall pay the sum of money hereby appropriated.

- 1 Introduced by Mr. H. A. Shephard, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Good Roads.

A BILL

For an Act entitled “An Act to amend section 245, chapter 121, commonly known
as ‘Gravel, Rock and Macadam Hard Roads Bill,’ which reads:

That on the petition of fifty land owners, who are legal voters, of any town-
2 ship, to the town clerk thereof, in counties under township organization, or
3 road districts in counties not under township organization, to the county clerk,
4 he shall, when giving notice of the time and place for holding the next annual
5 town meeting or road district meeting, also give notice that a vote will be taken
6 at said election for or against levying a tax not to exceed one dollar on each
7 one hundred dollars assessed valuation of all the taxable property, including
8 railroads, in the township or road district, for the purpose of constructing and
9 maintaining gravel, rock, macadam or other hard roads. Said petition shall
10 state the location and route of the proposed road or roads, not exceeding two,
11 and shall also state the rate per cent not exceeding one dollar on each one

12 hundred dollars, and the number of years, not exceeding five, for which said tax
13 shall be levied. The ballots at said election shall contain the following form:
14 "For special tax for gravel, rock, macadam or other hard roads," "Against
15 special tax for gravel, rock, macadam or other hard roads."

16 To be amended to read as follows:

17 That on the petition of fifty voters, fifty per cent of whom are land owners,
18 of any township, to the town clerk thereof, in counties under township organi-
19 zation or road district in counties not under township organization, to the
20 county clerk, he shall, when giving notice of the time and place for holding the
21 next annual town meeting or road district meeting, also give notice that a vote
22 will be taken at said election for or against levying a tax on all of the taxable
23 property in the township or road district, for the purpose of constructing
24 gravel, rock or macadam roads. Said petition shall state the location of the
25 proposed road or roads and shall also state the rate per cent, not exceeding
26 one dollar on each one hundred dollars, and the number of years, not exceeding
27 five, for which said tax shall be levied. The ballots at said election shall con-
28 tain the following form: "For special tax for gravel, rock, macadam or other
29 hard roads, and State aid," "Against special tax for gravel, rock, macadam or
30 other hard roads, and State aid."

31 Upon the passage of this Act, all county clerks shall cause to be extended
32 a tax of twenty cents on each one hundred dollars assessed valuation above State
33 taxes. The county treasurer shall transfer this money to the State Treasurer,
34 who shall pay it out as other State money, upon the recommendation of the
35 State Highway Commission, for gravel, rock and other hard roads; but the State
36 Highway Commission shall not pay more than sixty per cent of the total cost of
37 such roads, and then only when such roads are constructed according to plans
38 furnished by them. The highway commissioners of all townships shall, before
39 applying for State aid, notify the Highway Commission and then proceed ac-

40 cording to their direction, and the further provisions of the Act approved
41 June 18, 1883.

42 Those parts of sections 245, 246 and all Acts or parts of Acts found to be
43 in conflict with this Act are hereby repealed.

- 1 Introduced by Mr. Sollitt, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Finance.

A BILL

For an Act extending the corporate limits of cities and providing for the extension
of jurisdiction of such cities' officials.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the corporate limits of any city having a pop-
3 ulation of more than one hundred thousand people, shall be co-extensive with
4 the boundaries of the county in which it is situated and all duly qualified offi-
5 cers of such city are hereby invested with jurisdiction throughout such terri-
6 tory.

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- 1 Introduced by Mr. Werdell, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to amend an Act entitled, “An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors,” approved March 30, 1874, in force July 1, 1874, as amended by Act approved May 18, 1877, in force July 1, 1877, as amended by an Act approved June 19, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections six, six and one-half and nine of “An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors,” approved March 30, 1874, in force July 1, 1874, as amended by Act approved May 18, 1877, in force July 1, 1877, as amended by Act approved June 19, 1891, in force July 1, 1891, be amended so as to read as follows:

8 Sec. 6. Whoever, by himself, or his agent, or servant, shall sell or give
9 intoxicating liquor to any minor without the written order of his parent,

10 guardian or family physician, or to any intoxicated person; or whoever, by him-
 11 self, his agent or servant, shall give or sell intoxicating liquor to a person
 12 in the habit of getting intoxicated, with knowledge of such habit of such per-
 13 son, or after receiving notice of such habit in writing, signed by the hus-
 14 band, wife, child, parent, brother or sister of the person so in the habit of
 15 getting intoxicated, shall, for each offense, be fined not less than twenty dollars
 16 nor more than one hundred dollars or imprisoned in the county jail not less
 17 than ten, nor more than thirty days, or both, according to the nature of the
 18 offense: *Provided*, this Act shall not affect any prosecution pending at the
 19 time this Act takes effect, but in every such prosecution the accused shall, up-
 20 on conviction, be punished in the same manner in all respects, as if this Act
 21 had not been passed.

22 Sec. 6½. Every person, whether the keeper of a dramshop or not, who
 23 shall buy, or in any manner procure or aid in procuring any wine, rum,
 24 brandy, gin, whiskey, lager beer, hard cider, alcohol, or other vinous, malt,
 25 spirituous, fermented or mixed liquor, or any intoxicating liquor whatever, for
 26 any minor without the written order of such minor's parent, guardian or fam-
 27 ily physician, or shall so procure or aid in procuring any of said liquors for
 28 any person intoxicated, or shall procure or aid in procuring any of said liquors
 29 for a person who is in the habit of getting intoxicated, *with knowledge of such*
 30 *habit of such person*, or after receiving notice in writing of such habit signed
 31 by the husband, wife, child, parent, brother or sister of the person so in the habit
 32 of getting intoxicated, shall for every such offense, be fined not less than \$20.00,
 33 nor more than \$100.00, or confined in the county jail not less than ten nor
 34 more than thirty days, or both, in the discretion of the court.

35 Sec. 9. A recovery may be had in a civil action, of the damages suffered
 36 by reason of the intoxication of any person from any person or persons who
 37 shall by selling or giving away intoxicating liquors, have caused such intoxi-

38 cation in whole or in part, or from any person owning any building or premises
39 wherein such selling or giving away of intoxicating liquor shall have occurred,
40 jointly with the person or persons selling or giving away such intoxicating
41 liquor, or severally, *but no recovery shall be had under this section unless the*
42 *person or persons suffering such damages, shall previous to such selling or*
43 *giving away of such intoxicating liquors, have first given written notice signed*
44 *by him, her or them, to the licensee of the dramshop wherein such intoxi*
45 *cating liquor has been so sold or given away, if recovery be sought from*
46 licensee, or to the owner of the building occupied by such licensee, if recovery
47 be sought from such owner, forbidding such selling or giving away of intoxi-
48 cating liquor to the person whose intoxication shall have caused such dam-
49 age.

Sec. 2. Any and all provisions contained in said Act, approved March
2 30, 1874, in force July 1, 1874, as amended by Act approved May 18, 1877, in
3 force July 1, 1877, as amended by Act approved June 19, 1891, in force July 1,
4 1891, in conflict with the provisions in this Act, are hereby repealed.

- 1 Introduced by Mr. White, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to appropriate the sum of three hundred thousand dollars (\$300,000) for the purpose of purchasing and acquiring land and property to be used for the Illinois approaches of the free bridge to be erected across the Mississippi river by the city of St. Louis, Missouri, at points between the city of St. Louis, Missouri, and the city of East St. Louis, Illinois, and providing for the appointment of a committee or commission, whose duty it shall be to make the necessary transactions in acquiring such land and property that will be required for such free bridge approach.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of three hundred thousand dol-
3 lars (\$300,000) be and is hereby appropriated by the State of Illinois, to be
4 used for the purpose of purchasing such land and property as will be neces-
5 sary for the Illinois approaches of a free bridge to be erected by the city

6 of St. Louis, Missouri, across the Mississippi river, at a point between the
7 city of St. Louis, Missouri, and the city of East St. Louis, Illinois.

Sec. 2. The Governor of the State of Illinois is hereby directed to ap-
2 point a committee of seven citizens of Illinois, who shall constitute a com-
3 mittee, or commission, and whose duty it shall be to meet with the municipal
4 authorities of the city of East St. Louis, Illinois, and ascertain, if possible,
5 the desires of the city of East St. Louis, Illinois, in the location of the said
6 free bridge, on the Illinois side of the Mississippi river, and who shall also
7 meet with the proper authorities in charge of the free bridge enterprise of
8 the city of St. Louis, Missouri, and consult with such authorities as to the
9 location, land or site desired, and perform such other duties as may be nec-
10 essary in the selecting of a suitable location, the acquiring of such land and
11 property that may be necessary for the Illinois approach of the free bridge.

12 The chairman of the above mentioned committee, or commission, shall be
13 appointed by the Governor.

Sec. 3. All actual expenses incurred by the above mentioned committee, or
2 commission, in conducting such investigation and negotiations shall be paid by
3 the State, upon warrants drawn upon the State Treasurer, signed by the chair-
4 man of the said committee, or commission, and approved by the Governor.

Sec. 4. When the above provided committee, or commission, has located
2 and agreed upon a site or land and property for the Illinois approach of the
3 said free bridge, and have secured an option of purchase upon same, which
4 said option and purchase shall first be approved by the Governor of the State
5 of Illinois, the chairman shall draw a warrant or warrants upon the Treas-
6 urer of the State of Illinois, which shall be approved by the members of the
7 committee, or commission, and approved by the Governor, in any amount not
8 to exceed the sum of three hundred thousand dollars (\$300,000), and which

9 shall be used to purchase such land and property as covered by said option
10 and as will be necessary to be used for the approach on the Illinois side of the
11 Mississippi river for the said free bridge.

Sec. 5. Should there be left on hands any funds out of the appropriation
2 as allowed in this Act, then such funds shall be used for the purpose of pur-
3 chasing land and property for a public square or park, at the Illinois ap-
4 proach of the said free bridge.

Sec. 6. No part of the appropriation herein made shall be subject to the
2 uses or disposal of the said committee, or commission, for any purpose, save
3 only and except as herein provided; and also save only and except by and
4 with the approval of the Governor of the State of Illinois, first had and ob-
5 tained therefor.

- 1 Introduced by Mr. White, March 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend sections 8, 15, 21 and 32 of an Act entitled “An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 8, 15, 21 and 32 of an Act entitled “An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899, be and the same are hereby amended so as to read as follows:

7 Sec. 8. (a) ISSUED BY THE BOARD.] The certificates provided for in this
8 Act shall be issued under the signature and seal of the State Mining Board to
9 all those who receive a rating above the minimum fixed by the rules of the

board; such certificates shall contain the full name, age and place of birth of the recipient and the length and nature of his previous service in or about coal mines.

(b) RECORD TO BE PRESERVED.] The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued.

(c) EFFECT OF CERTIFICATES.] The certificates provided for in this Act shall entitle the holders thereof to accept and discharge the duties for which they are hereby declared qualified, at any mine in this State where their services may be desired.

(d) FOREIGN CERTIFICATES.] The board may exercise its discretion in issuing certificates of any class, but not without examination, to persons presenting, with proper credentials, certificates, issued by competent authority in other states.

(e) UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS.] It shall be unlawful for the operator of any coal mine to employ, or suffer to serve, as mine manager at his mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may place any trustworthy and experienced man, subject to the approval of the State Inspector of the district in charge of his mine, to act as temporary mine manager for a period not exceeding thirty days.

(f) UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEERS.] It shall be unlawful for the operator of any mine to employ, or suffer to serve, as hoisting engineer for said mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State, or to permit any other to operate his hoisting engine except for the purpose of learning to operate it, and then only in the presence of the certificated engineer in

38 charge, and when men are not being hoisted or lowered: *Provided*, that when-
 39 ever any exigency arises by which it is impossible for any operator to secure
 40 the immediate services of a certificated hoisting engineer, he may place any
 41 trustworthy and experienced man, subject to the approval of the State Inspector
 42 of the district, in charge of his engines, to act as temporary engineer, for a
 43 period not to exceed thirty days.

44 (g) UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] It
 45 shall be unlawful for the operator of any mine to employ, or suffer to serve,
 46 as mine examiner, any person who does not hold a certificate of competency
 47 issued by the State Mining Board: *Provided*, that any one holding a mine
 48 manager's certificate may serve as mine examiner, and, whenever any exigency
 49 arises by which it is impossible for any operator to secure the immediate serv-
 50 ices of a certificated mine examiner he may employ any trustworthy and expe-
 51 rienced man, subject to the approval of the State Inspector of the district, to
 52 act as temporary mine examiner for a period not to exceed thirty days. The
 53 employment of persons who do not hold certificates as mine managers, hoisting
 54 engineers and mine examiners shall in no case exceed the limit of time speci-
 55 fied herein, and the State Inspector shall not approve of the employment of
 56 such persons beyond the thirty-day limit.

57 (h) CANCELLATION OF CERTIFICATES.] The certificates of any mine manager,
 58 hoisting engineer or mine examiner may be cancelled and revoked by the State
 59 Mining Board whenever it shall be established to the satisfaction of said board
 60 that the holder thereof has become unworthy of official endorsement, by reason
 61 of violations of the law, intemperate habits, manifest incapacity, abuse of au-
 62 thority, or for other causes satisfactory to said board: *Provided*, that any
 63 person against whom charges or complaints are made shall have an opportunity
 64 to be heard in his own behalf. And he shall have thirty days' notice in writing
 65 of such charge.

66 (i) A certified mine manager shall be in charge at every coal mine at both
67 the day and night shifts when work is being done in any mine by employes,
68 and a certified mine examiner shall make an examination for the night shift em-
69 ployes the same as provided for the day when there is an intermission of four
70 hours or over between the night and day shifts. The mine manager and the
71 mine examiner shall be two separate and distinct persons and in no instance
72 shall the mine manager act as mine examiner at any mine which he has charge
73 over.

74 Sec. 15. (a) The county board of supervisors or of commissioners in coun-
75 ties not under township organization of any county in which coal is produced,
76 at their first meeting of said board, in each year, shall appoint a county in-
77 spector of mines who shall be under the supervision of the county board of
78 supervisors or commissioners, as the case may be, but no person shall be eligi-
79 ble for appointment as county inspector who does not hold a State certificate
80 of competency as mine manager, and the compensation of such inspector shall
81 be fixed by the county board at not less than three dollars (\$3.00) per day, to
82 be paid out of the county treasury.

83 (b) BOND.] Those who receive appointment as county mine inspector
84 must, before entering upon their duties, enter into a bond payable to the People
85 of the State of Illinois, in the penal sum of three thousand dollars with sureties
86 to be approved by the chairman of the board of supervisors or the county
87 commissioners, as the case may be, conditioned upon the faithful performance
88 of their duties in every particular as required by this Act; said bond, with the
89 approval of the chairman of the board of supervisors or commissioners en-
90 dorsed thereon, shall be deposited with the county clerk.

91 (c) INSTRUMENTS.] For the more efficient discharge of the duties herein
92 imposed upon them, each inspector shall be furnished at the expense of the
93 county with an anometer, a safety lamp, a pair of small scales and whatever

94 instruments may be required in order to carry into effect the provisions of this
95 Act.

96 (d) EXAMINATION OF MINES.] County mine inspectors of mines shall devote
97 their whole time and attention to the duties of their office and make a thorough
98 personal examination of the underground workings and all mine equipments of
99 every coal mine in their county once every three months, and the employes and
100 operators of any mine shall be notified when said examination is to be made,
101 and their representatives shall be allowed and permitted to accompany said
102 county mine inspector. He shall post a copy of the State Mining Law govern-
103 ing ventilation, the law relative to the main and escapement shafts, and the
104 law governing scales and weights, and of this clause, at the landing used by the
105 men in entering and leaving the mine. He shall see that every necessary pre-
106 caution is taken to insure the health and safety of the workmen at and in the
107 mine, that the provisions and requirements of all the mining laws of this State
108 are faithfully observed and obeyed, and that the penalties for the violation of
109 same are promptly enforced.

110 (e) AUTHORITY TO ENTER.] It shall be lawful for the county inspector to
111 enter, examine and inspect any and all coal mines and the machinery belonging
112 thereto, at all reasonable times by day or by night, but so as not to obstruct
113 or hinder the necessary working of such coal mines, and the operator of every
114 such coal mine is hereby required to furnish all necessary facilities for making
115 such examination and inspection.

116 (f) PROCEDURE IN CASE OF OBJECTION.] If any operator shall refuse to per-
117 mit such examination and inspection, the inspector shall file his affidavit, set-
118 ting forth such refusal with the judge of the circuit court in said county in
119 which said mine is situated, either in term time or vacation, or, in the absence
120 of said judge, with the master in chancery in said county in which said mine
121 is situated, and obtain an order on such owner, agent or operator so refusing

122 as aforesaid, commanding him to permit and furnish such necessary facilities
123 for the inspection of such coal mine, or to be adjudged to stand in contempt of
124 court and punished accordingly.

125 (g) NOTICES TO BE POSTED.] The county inspector of mines shall post up in
126 some conspicuous place at the top of each mine visited and inspected by him,
127 a plain statement of the condition of said mine showing what in his judgment
128 is necessary for the better protection of the lives and health of persons em-
129 ployed in said mine; such statement shall give the date of inspection and be
130 signed by the inspector. He shall also post a notice at the landing used by
131 the men, stating what number of men may be permitted to ride on the cage
132 at one time, and at what rate of speed men may be hoisted and lowered on the
133 cage. He must observe especially that a proper code of signals between the
134 engineer and top man and bottom man is established and conspicuously posted
135 for the information of all employees.

136 (h) SEALER OF WEIGHTS.] County mine inspectors of mines are hereby
137 made *ex-officio* sealers of weights and measures in their respective counties, and
138 as such are empowered and must, every six months, test all scales used to weigh
139 coal at coal mines in their county and weigh and test all weights used in con-
140 nection with said scales. Upon the written request of any mine owner or opera-
141 tor, or of ten coal miners employed at any one mine, it shall be his duty to
142 try and prove any scale or scales at such mine against which complaint is
143 made, and if he finds that they, or any of them, do not weigh correctly he shall
144 call the attention of the mine owner or operator to the fact, and direct that said
145 scale or scales be at once overhauled and readjusted so as to indicate only
146 true and exact weight, and he shall forbid the further operation of such mine
147 until such scales and weights are adjusted. In the advent that such tests shall
148 conflict with any test made by any other county sealer of weights, or under
149 and by virtue of any municipal ordinance or regulation, then the test of such
150 county mine inspector shall prevail.

151 (i) TEST WEIGHTS.] For the purpose of carrying out the provisions of this
 152 Act the county inspector shall be furnished by the county with a complete
 153 standard scale for the purpose of weighing and testing the weights and scales
 154 used for weighing the coal at coal mines, and a complete set of standard
 155 weights suitable for testing the accuracy of track scales at mines, said test
 156 scale and testing weight to be paid for on bill of particulars, certified by the
 157 county clerk and approved by the chairman of the board of supervisors or com-
 158 missioners, such test scale and weights shall remain in custody of the county
 159 mine inspector for use at any point within the county, and for the amount ex-
 160 pended by him for the storage, transportation or handling of the same he shall
 161 be fully reimbursed upon making entry of the proper items in his monthly ex-
 162 pense voucher.

163 (j) INSPECTOR'S ANNUAL REPORT.] Each county inspector of mines shall, at
 164 the close of the official year, prepare and forward to the board of supervisors
 165 or commissioners a formal report of his acts during the year in the discharge
 166 of his duties.

167 (k) INSTRUCTIONS, BLANKS, ETC.] The county clerk shall furnish to said
 168 inspector, upon the request of the chairman of the board of supervisors or com-
 169 missioners, whatever instruments, blanks, blank books, stationery, printing and
 170 supplies may be required by said inspector in discharge of his official duties;
 171 said instruments, blanks, etc., to be paid for on bill of particulars, certified by
 172 the county clerk and approved by the board of supervisors.

173 Sec. 21. (a) On all single track hauling roads, wherever hauling is done
 174 by machinery, and on all gravity or inclined planes, in mines, upon which per-
 175 sons employed in the mine must use while performing their work, or use to
 176 travel on foot to and from their work, places of refuge must be kept in the side
 177 wall not less than three feet in depth and four feet wide and five feet in
 178 height and not more than twenty yards apart, unless there is a clear space of

179 at least three feet between the side of the car and the side of the road, which
180 space shall be deemed sufficient for the safe passage of men. On every such
181 road, which is more than 100 yards in length, a code of signals shall be estab-
182 lished for the purpose of notifying persons employed in the mine using said
183 tracks, when trips or cars, motors and engines are using said tracks. A con-
184 spicuous light must be carried on the front of every trip or train of pit-cars
185 moved by machinery, except when attached to and preceded by a motor or
186 engine and in that case the preceding motor or engine shall carry a conspicu-
187 ous light unless attached to and preceded by a trip of cars. No motor, engine
188 or trip of cars shall be moved at a greater rate of speed than ten miles per
189 hour in any coal mine and at no greater rate of speed than five miles per hour
190 during the time miners are going to and returning from their work.

191 (b) MULE ROADS.] On all hauling roads or gangways on which the haul-
192 ing is done by draft animals, or gangways whereon men are obliged to be in
193 the performance of their duties or have to pass to and from their work, places
194 of refuge must be cut in the side wall at least two and one-half feet deep, four
195 feet wide and five feet in height, and not more than twenty yards apart; but
196 such places shall not be required in entries from which rooms are driven at
197 regular intervals not exceeding twenty yards, and wherever there is a clear
198 space of two and one-half feet between the car and the rib such space shall be
199 deemed sufficient for the passage of men. All places of refuge must be kept
200 clear of obstructions and no material shall be stored, nor be allowed to accu-
201 mulate, therein.

202 Sec. 32. Amendment to read as follows: Any corporation, partnership,
203 lessee or person operating a coal mine in this State shall post in a conspicuous
204 place the correct name and address of such corporation, partnership, lessee or
205 person, and when any change occurs in the corporate name of any mine or in
206 the name of any owner, operator or lessee of any mine, it shall be the duty of

207 those in charge to notify the employes thereof. The mining law shall apply to
208 all mines in the course of construction and on idle days and at night time the
209 same as when being operated, and every employe shall be entitled to the full
210 protection and benefits of the mining law, and it shall be the duty of every
211 operator of a coal mine to post on the engine house and at the pit-top of his
212 mine, in such a manner that the employes of the mine can read them, rules
213 not inconsistent with the law governing coal mining, plainly printed in the Eng-
214 lish language, which said rules when so posted, so far as they are consistent
215 with the laws of this State and are reasonable, shall be binding on all em-
216 ployes of said mine.

- 1 Introduced by Mr. Burgett, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Live Stock and Dairying.

A BILL

For an Act to provide for the inspection and licensing of all slaughtering, meat packing or rendering plant or plants or similar establishments in which cattle, sheep, swine or poultry are slaughtered to be done under and by authority of the Board of Live Stock Commissioners of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Board of Live Stock Commissioners shall
3 make, or cause to be made, by the State Veterinarian, or his assistants, or
4 any duly authorized live stock inspector in the employ of the State of Illinois
5 (as often as they may deem necessary) an inspection of all slaughtering,
6 meat packing or rendering plant or plants, or similar establishments in the State
7 of Illinois in which cattle, sheep, swine or poultry are slaughtered, to inform
8 themselves concerning the sanitary condition of the same, to prescribe the

9 rules and regulations of sanitation under which such establishments shall be
10 maintained.

Sec. 2. It shall be the duty of any person, firm or corporation desiring to
2 operate any slaughtering, meat packing or rendering plant or plants, or similar
3 establishment in the State of Illinois, to notify the Board of Live Stock Commis-
4 sioners of such intention, by filling out a blank application for a license, to be
5 furnished upon request, by the Board of Live Stock Commissioners, stating the
6 name, location and description of such plant or plants, by whom owned and the
7 business sought to be carried on; which application shall be subscribed and
8 sworn to by the applicant before a notary public; whereupon the said Board
9 may at its discretion, issue a permit to operate said plant temporarily, pending
10 inspection. Upon receipt of said application, the said Board of Live Stock
11 Commissioners shall make, or cause to be made, by any person herein authorized
12 to make said inspection, a thorough examination of the buildings, grounds and
13 premises used or to be used for said purposes, and if it shall appear to him
14 that the person, firm or corporation has complied with all the rules and re-
15 quirements of said Board of Live Stock Commissioners as to sanitation and
16 cleanliness, then said Board shall issue a license to the owner of said plant,
17 which license shall state that the person, firm or corporation to whom said
18 license has been issued has complied with all the rules and requirements of said
19 Board as to cleanliness and sanitation. Said license shall be displayed in a
20 conspicuous place where the product of said slaughtering or rendering plant is
21 sold, and shall so remain unless revoked by order of the Board of Live Stock
22 Commissioners. In event any license has been issued as herein provided, and it
23 shall afterward appear to said board, upon examination of the premises as
24 herein provided, that said work is being carried on in an insanitary or un-
25 wholesome or uncleanly manner, or the rules and regulations of said Board are
26 being violated, then the said Board of Live Stock Commissioners shall, at once,

27 revoke and annul the license of the offender or offenders and take up and de-
28 stroy said license. The fee for such license and inspection shall be \$5.00, which
29 in all cases shall accompany the application.

Sec. 3. Any person, firm or corporation conducting or attempting to con-
2 duct any slaughtering, meat packing or rendering plant or plants, or similar es-
3 tablishment in this State without a license from the said Board of Live Stock
4 Commissioners as provided for in this Act, or in event any person, firm or cor-
5 poration to whom a license has been issued shall fail, neglect or refuse to comply
6 with any provision in this Act contained, shall be deemed guilty of a misde-
7 meanor, and upon conviction thereof, be punished by a fine of not less than one
8 hundred dollars (\$100) nor more than five hundred dollars (\$500), or confined
9 in the county jail not exceeding one year, or both.

Sec. 5. For the purpose of assisting in the making of the inspection and
2 carrying out the provisions of this Act, the said Board of Live Stock Com-
3 missioners are hereby authorized to appoint inspectors not exceeding five in
4 number who shall be paid a salary of not exceeding twelve hundred dollars
5 (\$1,200) per annum, and their necessary traveling, hotel and incidental expenses
6 necessarily incurred in the performance of their duties under this Act, to be paid
7 on certified and itemized vouchers to be approved by the Governor. Said in-
8 spectors shall at any time be subject to removal by said Board of Live Stock
9 Commissioners.

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- 1 Introduced by Mr. Clark, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to enable courts of law to grant relief against fraud.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That hereafter in all suits at law in this State, where
3 suit is brought upon any deed, covenant, release, or contract, whether the same be
4 under seal or not, or in which any such deed, covenant, release or contract is re-
5 lied upon as a defense, either party to such suit may impeach the validity thereof,
6 and allege and prove that such deed, covenant, release, or contract was ob-
7 tained by fraud, or by fraud and circumvention, to the same extent, for the
8 same purpose, and to the same effect as the same could be done in a court of
9 equity.

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- 1 Introduced by Mr. Fieldstack, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to authorize recorders of deeds to keep abstract books, to make abstracts of title and fixing the fees and compensation therefor, and to repeal an Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That in all counties in which the recorder of deeds
3 has heretofore been, or shall hereafter be, required by the county board to
4 keep abstract books showing by tract every conveyance or encumbrance re-
5 corded, the date of the instrument, the time of filing the same, the book and
6 page and the encumbrance thereon, as shown by the records of his office, such
7 recorder shall and he is hereby authorized to keep judgments, dockets and in-
8 dexes therefo, showing all judicial proceedings affecting title to real estate in
9 such county, tax sale books with indexes thereto, showing sales or forfeitures
10 of all lands in the county for unpaid taxes and assessments, and such other

11 books as are usual or necessary to be kept for the purpose of making com-
12 plete abstracts of title to real estate; and the county board shall furnish such
13 recorder with the necessary rooms, books, stationery, fuel and lights for the
14 purposes therein set forth: *Provided*, that nothing in this Act shall be con-
15 structed to empower the recorder to prevent the public from examining and
16 taking memoranda from all records and instruments filed for record, indexes
17 and other books in his official custody, but it shall be his duty at all times, when
18 his office is, or is required by law, to be open, to allow all persons without fee
19 or reward to examine and take memoranda from the same.

Sec. 2. Every recorder of deeds keeping such books is hereby authorized,
2 and it shall be his duty to make and certify under the seal of his office for
3 all persons desiring the same, abstracts of title to real estate in his county,
4 and to charge therefor, in counties of the third class, not to exceed the fol-
5 lowing fees: For each certificate, certifying to the condition of the title as
6 shown by such abstract judgment and tax books, the sum of three dollars
7 (\$3.00), said sum of three dollars (\$3.00) to include the showing of one in-
8 strument of conveyance, incumbrance or release thereof, judgment or tax sale.
9 For each additional instrument of conveyance, incumbrance or release there-
10 of, the sum of one dollar (\$1.00). For each additional judgment or tax sale,
11 the sum of seventy-five (75) cents. For chancery and probate court proceed-
12 ings necessary to be shown, one dollar and fifty cents (\$1.50) per page. Which
13 fees shall be accounted for by such recorder in like manner with fees received
14 by him from recording. Every such recorder is also hereby authorized to
15 make and certify, under the seal of his office, copies (either printed or writ-
16 ten) of abstracts of title or examination of title made by other abstractors,
17 firms or corporations, and copies of any such abstract or examinations of title
18 (or copies thereof) as may have been filed for record in his office, and to charge
19 therefor in counties of the third class, not to exceed the sum of fifty (50)

20 cents per page. And every such recorder shall, for his service in keeping such
21 books and making such abstracts of title in counties of the third class, receive
22 a salary of one thousand dollars per annum, which compensation shall be in
23 addition to the salary allowed him for his duties as recorder; in other counties,
24 except counties of this third class, he shall receive such salary and be author-
25 ized to charge such fees as may be fixed by the county board.

Sec. 3. Every such recorder shall, before making and certifying such
2 abstracts of title, give a bond with sufficient security, to be approved by the
3 county board, payable to the county of which he is such recorder, in the penal
4 sum of ten thousand dollars, conditioned to secure the accuracy and correct-
5 ness of any and all such abstracts of title, and to indemnify the county for all
6 actual losses or damages which the county may be required to pay by reason
7 of any errors, mistakes or omissions in any such abstracts of title, to any and
8 all persons. And such county shall reimburse any and all persons purchasing
9 any such abstract of title from such recorder, and all purchasers and encum-
10 brancers of the real estate therein described, for any and all losses and dam-
11 ages sustained by any such persons on account of the errors, mistakes or omis-
12 sions of such recorder in making such abstracts or copies of abstracts.

Sec. 4. All fees collected by recorders in counties of the third class from
2 the abstract department, under the provisions of this Act, shall be paid by such
3 recorder to the county treasurer of his county for the purpose of creating
4 an indemnity fund, until such fund shall reach the sum of five hundred thou-
5 sand (500,000) dollars, when payments to the said fund shall thereafter be
6 made at the rate of 10 per cent of all such fees collected until the sum of one
7 million (1,000,000) dollars shall be and remain in said fund; and whenever at
8 any time such fund shall fall below the said last mentioned sum, the pay-
9 ments of 10 per cent, as above provided, shall continue to be made until such

10 fund shall be increased to the sum of one million (1,000,000) dollars. It shall
11 be the duty of the treasurer to invest all of said funds, principal and income,
12 in his hands from time to time, if not immediately required for payment of
13 indemnities, and report annually to the county board the condition and income
14 thereof. All investments of the fund, or any part thereof, shall be made with
15 the approval of said county board. The said fund shall be invested only in
16 the bonds or securities of the United States or of this State, or counties or
17 other municipalities of this State. Said fund shall be held to satisfy judg-
18 ments obtained or claims allowed against the county for losses or damages as
19 aforesaid. Such claims for damages may be presented to any such county
20 boards, and such county boards are hereby authorized and empowered to
21 allow or reject the same in accordance with such practice as may be by them
22 adopted, and to provide for the payment of such claims as may be allowed.
23 The rejection of any claim so presented shall be no bar to the bringing of suit
24 for the same in any court of competent jurisdiction. No claims for such
25 losses or damages shall be allowed and paid by any such county board, unless
26 upon the recommendation of the recorder, who shall be in office at the
27 time said claims shall be allowed. Upon the rendition of a judgment by a
28 court of competent jurisdiction upon such claim, or upon the allowing of such
29 claims by the county board, payment thereof shall only be made upon the order
30 of such county board. Until the indemnity fund, provided as aforesaid, shall
31 have been exhausted, payment for any such losses or damages shall be made
32 out of such fund. In all counties, except counties of the third class, the county
33 boards are hereby authorized to make all necessary provision in their discre-
34 tion for the creation, care and investment of an indemnity fund and for the
35 allowance and payment of claims out of the same.

Sec. 5. The words "Recorder" and "Recorder of Deeds" wherever used
2 in this Act, shall be construed to include and apply to clerks of the

3 circuit court in those counties where such clerks of the circuit court are per-
4 forming the duties of recorders of deeds.

Sec. 6. An Act entitled "An Act to authorize recorders of deeds, in
2 counties where recorders of deeds are elected, to keep abstract books, to make
3 abstracts of title and fixing the fees and compensation therefor and to repeal
4 an Act therein named," approved May 14, 1903, and in force July 1, 1903, is
5 hereby repealed.

- 1 Introduced by Mr. Fieldstack, by request, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend section 24 of an Act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 24 of an Act entitled "An Act to revise
3 the law in relation to counties," approved and in force March 31, 1874, to be
4 and the same is hereby amended to read as follows:

5 Sec. 24. POWERS.] Each county shall have power:

6 *First*—To purchase and hold the real and personal estate necessary for the
7 uses of the county, and to purchase and hold, for the benefit of the county, real
8 estate sold by virtue of judicial proceedings in which the county is plaintiff.

9 *Second*—To sell and convey or lease any real and personal estate owned
10 by the county.

11 *Third*—Through the county boards, except as otherwise specifically pro-
12 vided, to do all acts and make all contracts in relation to the property and con-

cerns of the county necessary to the proper exercise of its corporate powers, including contracts for assistance to the proper officers in the discovery and collection of any moneys due or payable into the public treasuries, whether the same be already on the assessment books or not. The expense thereof shall be paid by the county treasurer upon the warrant of the county clerk, and shall be apportioned ratably among all the funds benefitted thereby: *Provided, however, that such payment shall be made only out of money actually paid into the public treasuries as a result of such contract.*

Fourth—To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

- 1 Introduced by Mr. Fieldstack (by request) March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to prohibit persons holding offices requiring them to value or assess property for taxation from engaging in other business or occupation.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* No person holding or exercising the duties of the
3 office of assessor or deputy assessor of taxes, or a member of a board of review
4 of assessments, or any office, elective or appointive, requiring the holder there-
5 of to value or assess property, real or personal, for taxation, in any county in
6 this State having a population of 125,000 inhabitants, or more, shall directly or
7 indirectly be concerned or interested in carrying on the business of trade or com-
8 merce, within the county where he performs the duties of his office; nor shall
9 any such person, while holding such office, be engaged in any business, profes-
10 sion or occupation, in which he shall, directly or indirectly, do business with, or
11 perform services for, or solicit business from any person, firm or corporation,

12 within such county, which person, firm or corporation has property within
13 such county subject to taxation.

Sec. 2. VIOLATION—MISDEMEANOR.] Every person, upon conviction for vio-
2 lation of the foregoing Act, shall be guilty of a misdemeanor and shall be fined
3 for each offense not less than \$1,000 nor more than \$10,000, or imprisoned in
4 the county jail not exceeding one year, or both imprisoned and fined at the dis-
5 cretion of the court, and shall also be removed from office by the judge of the
6 court before whom he is tried and convicted.

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- 1 Introduced by Mr. Flagg, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend “An Act to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such city, town or village, and the inhabitants thereof,” approved June 6, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 1 of an Act entitled “An Act to enable
3 cities, towns and villages incorporated under any general or special law of this
4 State to fix the rates and charges for the supply of water furnished by any in-
5 dividual, company or corporation to any such city, town or village and the in-
6 habitants thereof,” approved June 6, 1891, in force July 1, 1891, be and the
7 same is hereby amended to read as follows:

8 SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
9 *in the General Assembly:* That the corporate authorities of any city, town
10 or village, now or hereafter incorporated under any general or special law of
11 this State, in which any individual, company or corporation has been, or here-
12 after may be, authorized by such city, town or village to supply water to such
13 city, town or village and the inhabitants thereof, be and are hereby em-
14 powered to prescribe by ordinance maximum rates and charges for the supply
15 of water furnished by such individual, company or corporation to such city,
16 town or village and the inhabitants thereof, such rates and charges to be just
17 and reasonable. And in case the corporate authorities of any such city, town or
18 village shall fix unjust and unreasonable rates and charges the same may be
19 reviewed and determined by the circuit court of the county in which such city,
20 town or village may be: *Provided that where meters are installed at the ex-*
21 *pense of said individual, company or corporation furnishing water, the consumer*
22 *shall be charged only for the actual amount consumed in any case, and a charge*
23 *of not over twenty-five cents per month shall be collectable as rent for the*
24 *said meter only in case there is no consumption of water during the month.*

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- 1 Introduced by Mr. Gillespie, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to amend an Act entitled "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, by adding thereto one new section, to be known as section 10a.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled "An Act to revise the law in relation to coroners," approved February 6, 1874, in force July 1, 1874, be amended by adding thereto one new section, to be known as section 10a.

5 Sec. 10a. No person shall remove the dead body of any person from the
6 county in which the same shall be found or lying before obtaining the permis-
7 sion of the coroner of said county where such body is the subject of a coroner's
8 inquest. Any person who shall violate the provision of this section shall be deemed

9 guilty of a misdemeanor and upon conviction shall be fined not less than ten
10 dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned in the
11 county jail not less than thirty (30) days nor more than ninety (90) days, or
12 shall suffer both such fine and imprisonment.

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- 1 Introduced by Mr. Lederer, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to provide for the licensing of shorthand court reporters and to regulate the practice of shorthand court reporting.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That a State Board of Examiners of Shorthand Reporters is hereby created, the members of which board shall be appointed by the University of Illinois as hereinafter provided. The duty of such board shall be to carry out the purposes and enforce the provisions of this Act.

Sec. 2. The University of Illinois shall, as soon as conveniently may be after the passage of this Act, appoint as such State Board of Examiners of Shorthand Court Reporters aforesaid, three persons, at least two of whom shall be skilled in the practice of shorthand court reporting, and shall have been actively engaged therein in the State of Illinois for at least twenty years, and

6 the third member of such board shall be either a shorthand writer of the grade
7 above described, or an attorney who has been in active practice in this State for
8 at least ten years. The term of office of the members of such State Board of
9 Examiners of Shorthand Court Reporters shall be three years, except that of
10 the first board appointed under this Act one member shall hold office for one
11 year, one member for two years and one member for three years, such respec-
12 tive terms to be determined by the University of Illinois, which shall also fill
13 any vacancy that may occur in such board.

Sec. 3. The members of the State Board of Examiners of Shorthand Court
2 Reporters shall, within one month after their appointment, elect from their num-
3 ber a president, and also a secretary, who shall be the treasurer. The treasurer,
4 before entering upon his or her duties, shall file with the State Treasurer a bond
5 for one thousand dollars, conditioned for the faithful performance of his or
6 her duties. The board shall determine the qualifications of persons applying
7 for licenses under this Act, and shall make rules for the examination of such
8 persons. The board shall adopt rules and regulations not inconsistent with
9 this Act to govern its proceedings, and also a seal, of which the secretary shall
10 have the care and custody; and shall keep a record of all proceedings of the
11 board, including a register of the names of all the shorthand court reporters li-
12 censed under this Act, which register shall be at all reasonable times open to
13 public inspection. The board shall prosecute all persons violating any of the
14 provisions of this Act, and may incur necessary expenses on that behalf. Each
15 members of the board shall receive the sum of ten dollars for each day actually
16 spent in the conducting of examinations, together with actual expenses in-
17 curred in attending meetings of said board, said compensation and expenses to
18 be paid from moneys received by the board as examining fees, and no part of
19 said expenses or compensation shall be paid out of the State treasury. All
20 moneys received in excess of said compensation and expenses provided for shall

21 be held by the treasurer of the board for meeting the expenses of said board
22 and the cost of the annual report of said board.

Sec. 4. The board shall hold meetings and conduct examinations at such
2 times and places as may be prescribed by rules to be entered upon their
3 records as provided in the second section of this Act; and shall register and
4 issue a license to each applicant found qualified to receive the same.

Sec. 5. Upon filing an application for examination and license each appli-
2 cant shall pay a fee of ten dollars.

Sec. 6. For the purposes of this Act a shorthand court reporter shall be
2 understood to be any person who shall practice the business or calling of court
3 reporting in shorthand for hire in any of the courts of this State, or before
4 any officer or person authorized to take testimony of witnesses, or as such officer
5 or person.

Sec. 7. No person shall practice the business or calling of a shorthand
2 court reporter in any of the courts of this State, or before any officer or person
3 authorized to take the testimony of witnesses, or as such officer or person, with-
4 out first having obtained a license as herein provided.

Sec. 8. Every person so licensed as aforesaid, shall record his or her li-
2 cense with the county clerk of his or her county, who shall keep a record thereof
3 in a book provided for that purpose, and who shall charge the sum of twenty-
4 five cents for the recording of each license. Such license must be so filed for
5 record within three months after its issuance.

Sec. 9. Said board of examiners shall issue, without examination, to any
2 shorthand court reporter holding at the time of the passage of this Act, an ap-
3 pointment as official reporter in any court of this State, and to the reporters

4 in any county of this State, and to the reporters appointed as such board of
5 examiners, a license under this Act.

Sec. 10. Every licensed shorthand court reporter shall sign his or her name
2 with the words "Licensed Shorthand Court Reporter" to all transcripts made
3 by him or her to be used in any court.

Sec. 11. The board may, for unprofessional conduct or other sufficient
2 cause, revoke any license issued under the provisions of this Act: *Provided*,
3 that written notice shall have been previously mailed to the holder of such li-
4 cense twenty days before any hearing thereon, stating the cause for such con-
5 templated action, and appointing a date for a full hearing thereof by the board:
6 *And, provided, further*, that no license shall be revoked until a full hearing
7 shall have been had at the place where the offense shall be alleged to have been
8 committed.

If any person, without having received a license as provided in this Act,
2 shall represent himself or herself to the public, or to any person desiring
3 the services of a shorthand court reporter, as having received such a license,
4 or shall assume to practice as a licensed shorthand court reporter, or shall use
5 the words "Licensed Shorthand Court Reporter," or the abbreviation "L. S.
6 C. R.," or any similar words or letters, to indicate that the person using the
7 same is a licensed shorthand court reporter; or if any shorthand court reporter
8 whose license shall have been revoked as provided in this Act, shall continue to
9 practice as a licensed shorthand court reporter, he or she shall be deemed guilty
10 of a misdemeanor, and upon conviction thereof shall be fined a sum not less
11 than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for
12 each offense.

- 1 Introduced by Mr. Murray, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act concerning the manner of commencing and conducting the prosecution
of criminal offenses.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* All prosecutions for the violation of any criminal
3 statute or criminal offense hereafter begun, commenced or instituted in any
4 court of record in this State, shall be by an information in writing, filed in
5 the name of the State's attorney or some other person, and which such infor-
6 mation shall be signed by the State's attorney and shall set forth and contain
7 the criminal offense alleged to have been committed. Different offenses and
8 different degrees of the same offense may be joined in one information in dif-
9 ferent counts of such information. All information shall have endorsed there-
10 on the names of all the witnesses upon whose evidence such information is
11 found, or who may be produced on the trial.

Sec. 2. Upon the filing of such information in the office of the clerk of
2 the proper court, the procedure upon such information shall be in all things
3 the same as is the procedure upon the filing and recording of an indictment
4 or information. The clerk of the court in which such information is filed shall,
5 in case the accused is not in custody of the sheriff upon said charge, issue a
6 *capias* for the arrest of the accused and place the same in the hands of the
7 sheriff for service. Upon the filing of such information, if the offense is
8 bailable, the court, or judge, shall endorse upon such information the amount of
9 bail required.

Sec. 3. No information shall be filed except in a case where the accused
2 has had a preliminary examination before a justice of the peace, police mag-
3 istrate, judge of a court of record or other committing magistrate, and such
4 accused has been bound over to the proper court to answer the charge, unless
5 such preliminary examination is waived by the accused or his counsel, or the
6 accused is a fugitive from justice or not within the jurisdiction of the court
7 having jurisdiction of the offense alleged or charged against such accused
8 person. In case any preliminary examination has been had as herein provided,
9 and the person complained of or against has been discharged for want of suf-
10 ficient evidence to raise a probability of his guilt, and the State's attorney shall
11 be of the opinion that he can produce sufficient evidence to convict the person
12 thus discharged, such State's attorney may, notwithstanding such discharge,
13 cause another complaint to be made before any committing magistrate; and
14 thereupon the party accused may again be arrested and examined touching the
15 offense charged against such accused. If, upon such second examination, the
16 person accused shall be again discharged, he shall not be further prosecuted for
17 the same matter of offense.

Sec. 4. When any accused person shall have had a preliminary hearing,
2 and has been bound over to the proper court to answer such charge, and

3 such accused person has not given or furnished bail and is in custody,
4 the State's attorney shall, within thirty days after such person has been bound
5 over to the proper court to answer such charge, file in the proper court an
6 information against such accused person; and if no information is filed within
7 said period of thirty days, such accused person being in custody shall be en-
8 titled to his liberty. If the State's attorney shall, upon examination of the
9 facts, be of the opinion that the person thus imprisoned ought not be further
10 prosecuted, and that no information should be filed, he shall forthwith file with
11 the clerk of the court a statement in writing that the person in custody
12 is to be discharged; whereupon it shall be the duty of the court, or any
13 judge thereof, to forthwith issue an order, directed to the person having cus-
14 tody of the accused, to set said accused at liberty. If any person accused of
15 any criminal offense has given bail, the State's attorney shall, within sixty days
16 from the date of such accused person thus giving bail, file an information
17 against such accused person with the clerk of the proper court; or, if no such
18 information shall be filed within that time, the State's attorney shall file a
19 statement in writing, that the charge against the accused is dismissed, and the
20 court thereupon shall enter an order of dismissal.

Sec. 5. If any person shall feel himself aggrieved by reason of the
2 State's attorney of the proper county failing to file an information within
3 twenty days from the time that an accused person has been bound over to
4 the proper court to answer for an alleged criminal offense, such person
5 aggrieved may make application in writing, under oath, to the court having
6 jurisdiction of the offense for a rule on the State's attorney, to show cause
7 why he should not file such information against the person accused; where-
8 upon the court, or in vacation, any judge thereof, shall forthwith proceed to
9 hear evidence in the matter; and if the judge or court be satisfied that such
10 information should be filed, such judge or court shall enter a rule upon the

11 State's attorney, directing him to file such information within not less than
 12 five days from the date of the issuance of such rule; and if such State's attor-
 13 ney, within said five days, shall fail to file such information, the judge or court
 14 may appoint some discreet member of the bar as State's attorney, for the pur-
 15 pose of filing such information, whose duty it shall be, within five days, to file
 16 such information, as special State's attorney in such cause; and upon the filing
 17 of such information with the clerk of the proper court, the same proceedings
 18 shall be had upon such information as though the same had been filed in the
 19 name of the State's attorney. The judge of the court in which such informa-
 20 tion is filed may appoint some attorney at law to act as special State's attor-
 21 ney, to prosecute such information and to bring the accused to trial; and such
 22 attorney shall be paid for such services out of the county treasury in such sum
 23 as such judge or court may order and direct.

Sec. 6. No information shall upon motion or request of the State's at-
 2 torney be *nolle prosequed* or dismissed except with the consent of the court
 3 having jurisdiction of the subject matter, and the court shall thereupon order
 4 entered of record the reasons why such information is *nolle prosequed* or
 5 dismissed.

Sec 7. Whenever the word indictment appears or is found in any statute
 2 of this State, the same shall be construed, held to mean and have the same
 3 effect as though the word information were substituted therefor, and the
 4 word indictment shall hereafter be held to mean and have the same effect as
 5 the word information. The provisions of the criminal code or any other statute
 6 of this State in relation to indictments, and all other provisions of law apply-
 7 ing to prosecutions upon indictments, to writs and process therein, and the
 8 issuing and service thereof, to notices, pleadings, trials and punishments or
 9 the execution of any sentence and to all other proceedings, in cases of indict-

10 ments, whether in a court of original or appellate jurisdictions, shall, in the
11 same manner and to the same extent, as near as may be, apply to informations
12 and all prosecutions and proceedings thereon.

Sec. 8. This Act, or any provisions thereof, shall not be held or construed
2 to prevent the filing of information by any person as is now allowed by law to
3 be filed in the municipal court of Chicago, or any other court of record, nor to
4 interfere in any way with the manner of commencing and presecuting any
5 criminal offense by information as is now allowed by law.

Sec. 9. All Acts and parts of Acts inconsistent with any provisions of this
2 Act are hereby repealed.

- 1 Introduced by Mr. Myers, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 31 of an Act entitled “An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named,” approved March 26, 1874, in force July 1, 1874, so as to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the law terms of the county court of the county of Edgar shall be held on the first Monday of April and October, each year hereafter.

- 1 Introduced by Mr. O'Brien, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act to amend an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by an Act approved June 3, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixty-four (64) of an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by an Act approved June 3, 1907, be and the same is hereby amended so as to read as follows:

6 Sec. 64. That any judgment of the municipal court, for the payment of
7 money, when the amount due thereon, exclusive of interest and costs, exceeds
8 twenty-five dollars (\$25), may also be proceeded under in the following
9 manner:

10 *First*—At any time within seven years after the entry of such judgment
11 and upon the return, wholly or partly unsatisfied, of an execution issued there-
12 on, the judgment creditor shall be entitled to a citation requiring the judgment
13 debtor, or any other person whom, or corporation which the judgment creditor
14 may believe to have personal property of the debtor not exempt from execu-
15 tion or garnishment, or to be indebted to said judgment debtor in a sum ex-
16 ceeding the amount exempt by law from garnishment, to attend before the
17 court and be examined under oath concerning such debtor's property at a
18 time and place specified in the citation, or after the issuance of an execution
19 against the lands, tenements, goods and chattels of any judgment debtor, and
20 before the return thereof, upon proof by affidavit to the satisfaction of the
21 court, that there is reasonable ground to believe that the judgment debtor has
22 property in the city of Chicago, which he unjustly refuses to apply towards
23 the satisfaction of the judgment, whether subject to execution or not, citation
24 may issue as above provided.

25 *Second*—Where it appears from the examination or testimony taken pur-
26 suant to the provisions of this section that the judgment debtor has in his
27 possession, or under his control, money or other property belonging to him
28 and not exempt from execution; or that money, choses in action, or one or
29 more articles of personal property capable of delivery, and the right of pos-
30 session of which in said judgment debtor is not substantially disputed, and
31 which are not exempt by law from execution or garnishment, are in the pos-
32 session or under the control of such other person or corporation, the court
33 may, in its discretion, make an order directing the judgment debtor, or such
34 other person or corporation, immediately to pay the money, assign the chose
35 in action or deliver the articles of personal property to the bailiff of the mu-
36 nicipal court, to be by him collected or sold at public sale and the proceeds
37 thereof applied towards the satisfaction of said execution; and if the amount
38 of money or the proceeds of such collection or sale shall exceed the amount

39 due upon such execution and the costs accrued thereon, the overplus shall be
40 paid to the said judgment debtor: *Provided, however, that upon any exam-*
41 *ination of the judgment debtor, in pursuance of this Act, the court shall not*
42 *permit or direct any search of the person of such judgment debtor.*

43 *Third*—Said citation may, in the discretion of the court, require the per-
44 son or corporation to attend and be examined before one of the masters in
45 chancery of the court, or a special commissioner to be appointed by the court.
46 designated in said citation, and after said examination said master or special
47 commissioner must certify to the court all evidence and other proceedings had
48 before him pursuant to the citation.

49 *Fourth*—Upon every examination under this section, each answer of the
50 party to the citation or witness examined must be under oath of such party;
51 or, if such party be a corporation, under the oath of an officer thereof; and
52 the court may, in its discretion, specify the officer. Either party may be ex-
53 amined as a witness in his own behalf and may produce and examine other
54 witnesses, as upon the trial of any action. The court, master or special
55 commissioner may postpone any hearing hereunder, from time to time, as it
56 may think proper, and may issue subpoenas requiring the presence of any
57 witness desired by either party. The court shall have the power to compel the
58 attendance of any party to the citation or witness duly subpoenaed by attach-
59 ment of the person of such party or witness; and the refusal of a party to
60 such citation, or of a witness, to attend or answer proper questions upon
61 the hearing shall be adjudged a contempt of court, and shall be punishable.
62 in the discretion of the court, by fine or imprisonment in the county jail or
63 house of correction for a period not to exceed six months.

64 *Fifth*—The court may tax as costs a fixed sum consistng of witness fees,
65 stenographer's fees, master's or commissioner's fees and other disbursements,
66 and direct the payment thereof out of any money which may come into the
67 hands of the bailiff as a part of the costs of said proceedings.

68 *Sixth*—Where the judgment debtor has been examined and property appli-
 69 cable to the payment of the judgment has not been discovered in the course
 70 of the proceedings hereunder, the court may fix a sum consisting of witness
 71 fees and other disbursements made by said judgment debtor, including sten-
 72 ographer's fees; and the amount so fixed shall, in the discretion of the court,
 73 be paid to such judgment debtor, and unless paid within the time fixed by the
 74 court, an execution shall issue against the judgment creditor and be served and
 75 enforced as other executions.

76 *Seventh*—Any order made hereunder may be served by delivering a certi-
 77 fied or sworn copy thereof to the person against whom the same is made, and
 78 such service may be made by the bailiff or by any party to the proceedings,
 79 or by his attorney or agent.

80 *Eighth*—All other proceedings hereunder shall be regulated by such rules
 81 as may be adopted by a majority of the judges of the municipal court or by
 82 the supreme court, in accordance with the provisions of this Act.

Sec. 2. That this Act shall be submitted to a vote of the legal voters of
 2 the city of Chicago at the first regular municipal, judicial or special election
 3 which shall occur in said city of Chicago after the first day of July, A. D. 1907.
 4 The ballots to be used at said election in voting upon this Act shall be in
 5 substantially the following form:

For consenting to the Act entitled, "An Act to amend an Act, entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905. as amended by an Act approved June 3, 1907."	
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Against consenting to the Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905, as amended by an Act approved June 3, 1907."	
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6 If a majority of the legal voters of said city, voting on the question at
7 such election, shall vote in favor of consenting to this Act, the same shall
8 thereupon take effect and become operative.

- 1 Introduced by Mr. Parker, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend section 202, article 8, of an Act entitled, “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889, as amended by an Act approved April 21, 1899, in force July 1, 1899, and as further amended by an Act approved May 20, 1907, and in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 202, article 8, of an Act entitled, “An
3 Act to establish and maintain a system of free schools,” approved and in
4 force May 21, 1889, as amended by an Act approved April 21, 1899, in force
5 July 1, 1899, and as further amended by an Act approved May 20, 1907, and
6 in force July 1, 1907, be amended so as to read as follows:

7 Sec. 202. For the purpose of establishing and supporting free schools for
8 not less than six nor more than nine months in each year, and defraying all the
9 expenses of the same of every description, for the purpose of repairing and im-

10 proving school houses, of procuring furniture, fuel, libraries and apparatus, and
11 for all other necessary incidental expenses in each district, village or city, any-
12 thing in any special charter to the contrary notwithstanding, the directors of
13 such district and the authorities of such village or city shall be authorized to
14 levy a tax annually upon all the taxable property of the district, village or
15 city not to exceed two and one-half per cent for educational and two and one-
16 half per cent for building purpose (except to pay indebtedness contracted pre-
17 vious to the passage of this Act), the valuation to be ascertained by the last
18 assessment for State and county taxes:

19 *Provided*, that in municipalities of more than 100,000 inhabitants, not more
20 than one-eighth of the money collected from all sources other than taxes levied
21 for building purposes and to pay indebtedness above mentioned, shall be ex-
22 pended for purposes other than the payment of salaries of superintendents,
23 principals, teachers, engineers and janitors.

24 *And, provided, further*, that nothing herein contained shall be held to repeal
25 or modify the limitations contained in section forty-nine (49) of an Act entitled
26 "An Act for the assessment of property and providing the means therefor, and
27 to repeal a certain Act therein named," approved February 25, 1898.

28 *And, provided, further*, that the term incidental expenses as herein used
29 shall not include any sum expended or obligation incurred for the improvement,
30 repair or benefit of the school buildings, or property, but all such sums and ob-
31 ligations shall be paid from that portion of the tax levied for building purposes.

32 *And, provided, further*, that no election or petition shall be necessary to au-
33 thorize the levy of a tax for the ordinary repair and improvement of school build-
34 ings or grounds or for the payment of any special tax or special assessment
35 levied upon such property.

AMENDMENTS TO

46th Assem.

HOUSE—No. 381

May 1909

AMENDMENT NO. 2.

Amend House Bill No. 381, section 202, by adding in line sixteen of the printed bill, after the word "purpose" the letter "s," so as to make it read "purposes."

AMENDMENT NO. 3.

Amend House Bill No. 381, section 202, by adding after the colon marks in line eighteen of the printed bill the following: "*Provided*, that in cities having a population exceeding one hundred thousand inhabitants, the board of education may establish and maintain vacation schools and play grounds under such rules as it shall prescribe."

AMENDMENT NO. 4.

Amend House Bill No. 381, section 202, by striking out in the printed bill all of lines 19, 20, 21, 22 and 23.

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- 1 Introduced by Mr. Shanahan, by request, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the payment of the amounts awarded
by the Court of Claims to certain persons named therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be and is hereby appropriated the sum
3 of thirteen thousand and fifty dollars (\$13,050) to pay awards made by the
4 Court of Claims, on the 19th day of December, 1908, to the following persons:
5 To Oscar A. Ross, the sum of two hundred dollars (\$200.00), for license
6 fee paid to the Secretary of State, to operate a private employment agency,
7 under the Act of the General Assembly pertaining thereto, approved April 11,
8 1899, declared unconstitutional by the Supreme Court of the State of Illinois.
9 To Mrs. Nettie Grant, the sum of two hundred dollars (\$200.00), for license
10 fee paid to the Secretary of State to operate a private employment agency,

11 under the Act of the General Assembly pertaining thereto, approved April 11,
12 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

13 To C. J. Albert, the sum of two hundred dollars (\$200.00), for license
14 fee paid to the Secretary of State, to operate a private employment agency,
15 under the Act of the General Assembly pertaining thereto, approved April 11,
16 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

17 To Mike Cuculick, the sum of two hundred dollars (\$200.00), for license
18 fee paid to the Secretary of State to operate a private employment agency,
19 under the Act of the General Assembly pertaining thereto, approved April 11,
20 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

21 To Fiske Teachers Agency, the sum of two hundred dollars (\$200.00),
22 for license fee paid to the Secretary of State, to operate a private employ-
23 ment agency, under the Act of the General Assembly pertaining thereto, ap-
24 proved April 11, 1899, declared unconstitutional by the Supreme Court of the
25 State of Illinois.

26 To Libbie M. Smith, the sum of two hundred dollars (\$200.00), for license
27 fee paid to the Secretary of State, to operate a private employment agency,
28 under the Act of the General Assembly pertaining thereto, approved April 11,
29 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

30 To Michael DiCosola, the sum of two hundred dollars (\$200.00), for license
31 fee paid to the Secretary of State to operate a private employment agency,
32 under the Act of the General Assembly pertaining thereto, approved April 11,
33 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

34 To Allessendria Comforti, the sum of four hundred dollars (\$400.00), for
35 license fee paid to the Secretary of State to operate a private employment
36 agency, under the Act of the General Assembly pertaining thereto, approved
37 April 11, 1899, declared unconstitutional by the Supreme Court of the State of
38 Illinois.

39 To Louis Krampe, the sum of two hundred dollars (\$200.00), for license
40 fee paid to the Secretary of State to operate a private employment agency,
41 under the Act of the General Assembly pertaining thereto, approved April 11,
42 1899, declared unconstitutional by the Supreme Court of the State of Illinois.

43 To John F. Devine, administrator, the sum of two thousand dollars
44 (\$2,000), damages for the death of Ralph Heeg by drowning, while in the dis-
45 charge of his duties as a member of the Illinois Naval Reserves.

46 To John F. Devine, administrator, the sum of two thousand dollars
47 (\$2,000.00), damages for the death of Joseph Pines by drowning, while in dis-
48 charge of his duties as a member of the Illinois Naval Reserves.

49 To John F. Devine, administrator, the sum of two thousand dollars
50 (\$2,000), damages for the death of Edward M. O'Carroll by drowning, while
51 in discharge of his duties as a member of the Illinois Naval Reserves.

52 To John F. Devine, administrator, the sum of two thousand dollars
53 (\$2,000.00), damages for the death of Antonio Capodice by drowning, while in
54 discharge of his duties as a member of the Illinois Naval Reserves.

55 To John F. Devine, administrator, the sum of two thousand dollars
56 (\$2,000.00), damages for the death of Robert E. Schrom by drowning, while in
57 discharge of his duties as a member of the Illinois Naval Reserves.

58 To J. D. McCarthy, the sum of fifty dollars (\$50.00), damages for hay
59 destroyed, caused by overflow of waters from a dam or floodgate, constructed
60 on the grounds of the State for the School of the Deaf at Jacksonville, Illinois.

61 To Phillip Crippin, the sum of six hundred dollars (\$600.00), damages
62 for injury received by explosion of rifle used by him while in discharge of his
63 duties as a member of the Illinois National Guard.

64 To E. J. Lebeau, the sum of four hundred dollars (\$400.00), damages for
65 injuries received while in discharge of his duties as a member of Company L,
66 Third Infantry, Illinois National Guard.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrants on the State Treasurer in favor of said persons, respect-
3 ively, for the amounts herein appropriated, payable out of any money in the
4 treasury not otherwise appropriated.

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- 1 Introduced by Mr. H. A. Shephard, March 24, 1909.
 - 2 Read first time, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the exhibit and improvement of dairy cattle
at the Illinois State Fair.

WHEREAS, Agriculture is the all important element in the prosperity of
2 Illinois; and,

3 WHEREAS, The dairy industry is the foundation and a very large part of the
4 agricultural structure of Illinois; and,

5 WHEREAS, The profit or loss attending dairy farming in this State de-
6 pends entirely upon the quality and quantity of the product of the cows milked
7 and the economy in the production of milk; and,

8 WHEREAS, Three-fourths of the million of dairy cows of this State are very
9 inferior in breeding and should be replaced with cows of better quality; and,

10 WHEREAS, The majority of the cows in this State are fed and cared for at
11 a large loss; and,

12 WHEREAS, There now exists a pressing necessity for the use of at least forty
13 thousand pure bred dairy bulls and one million of pure bred and high-grade
14 dairy cows in this State; and,

15 WHEREAS, Proper and much needed encouragement should be given by the
16 State and all interested in the dairy industry to the better breeding and gen-
17 eral use of bulls of the dairy breeds; and,

18 WHEREAS, The Illinois Dairy Cattle Improvement Association, composed of
19 representatives of all the dairy cattle breeding associations, has unanimously
20 and heartily recommended that the General Assembly of Illinois aid in this
21 important matter by making an appropriation that will encourage the breed-
22 ing of bulls and cows of the dairy breeds and the exhibitions of such dairy
23 cattle owned in this State at the annual Illinois State Fair; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, repre-*
2 *sented in the General Assembly:* That the following amounts be and are here-
3 by appropriated to the State Board of Agriculture, viz.:

4 For the encouragement of an exhibit of dairy cattle at the State fairs
5 of 1909 and 1910, the sum of six thousand dollars (\$6,000) per annum, said
6 amount to be appropriated as follows: One thousand dollars each for the ex-
7 hibits owned in Illinois of Jersey cattle, Holstein-Friesian, Ayrshire cat-
8 tle, Guernsey cattle, Brown Swiss cattle and Dutch Belted cattle. The amounts
9 herein appropriated to be apportioned equally to males and females of the fol-
10 lowing ages: Three years old or over, two years and under three, one and
11 under two, six and under twelve months and under six months, thus making
12 \$100.00 for each of said ten classes for each breed and a first prize of \$50.00,
13 a second prize of \$25.00 and a third prize of \$15.00 and a fourth prize of
14 \$10.00 to each of the several exhibits.

Sec. 2. That on the order of the president, countersigned by the secretary
2 of the State Board of Agriculture, approved by the Governor, the Auditor of

3 Public Accounts shall draw his warrants upon the Treasurer in favor of the
4 treasurer of the Illinois State Board of Agriculture for the sums herein ap-
5 propriated: *Provided*, that no part of this appropriation shall be paid by the
6 State Board of Agriculture to an exhibitor not a resident of this State or the
7 *bona fide* owner of the animal or animals exhibited.

Sec. 3. It shall be the duty of the treasurer of the State Board of Agri-
2 culture, on the order of the president, countersigned by the secretary of the
3 State Board of Agriculture, to pay over to the exhibitors receiving the awards
4 herein provided as aforesaid, and to make biennial report to the Governor of
5 all such appropriations received and disbursed by him.

1 Introduced by Mr. Sullivan, March 24, 1909.

2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to amend section 1 of an Act entitled, "An Act to provide for the creation by popular vote of anti-saloon territory, within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition, by like means, of territory so created," approved May 16, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act to provide for the creation by popular vote of anti-saloon territory, within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition, by like means, of territory so created," approved May 16, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

7 The words and phrases mentioned in this section, as used in this Act and
8 in the proceedings pursuant hereto, shall, unless the same be inconsistent with
9 the context, be construed as follows:

10 “Anti-saloon territory” shall mean all territory within the limits of any
 11 town, precinct, city or village in this State in which, through the action of the
 12 legal voters therein, as provided by this Act, the sale of intoxicating liquor,
 13 except as herein provided, is prohibited.

14 “Town” shall include towns in counties under township organization and
 15 incorporated towns, *excepting therefrom, however, any territory that lies with-*
 16 *in any city or village: Provided,* that no incorporated town, city or village that
 17 has been heretofore annexed to another incorporated town, city or village,
 18 under the provisions of “An Act to provide for the annexation of cities, in-
 19 corporated towns and villages.” approved and in force April 25, 1889, shall be
 20 entitled to hold an election under the provisions of this Act separately from
 21 the town, city or village to which the same has been annexed.

22 “Precinct” shall mean any “voting precinct” or “election precinct” which
 23 was a subdivision for voting in counties not under township organization at
 24 the general election held on the 6th day of November, A. D. 1906.

25 “Political subdivision” shall mean the phrase, “town, precinct, city or
 26 village.”

27 “District” shall mean territory in which after the same has become anti-
 28 saloon territory the limits of the political subdivision have been changed.

29 In the phrase, “Shall this * * * * become anti-saloon territory?” the
 30 proper word, whether “town,” “precinct,” “city” or “village,” shall be under-
 31 stood to be inserted in the blank, aninct,” “city” or “village,” shall be under
 32 filed by, and the ballots prepared for, the voters of any town, precinct, city or
 33 village.

34 “Said proposition” shall mean the proposition, “Shall this * * * *
 35 (town, precinct, city or village, as the case may be) become anti-saloon ter-
 36 ritory?”

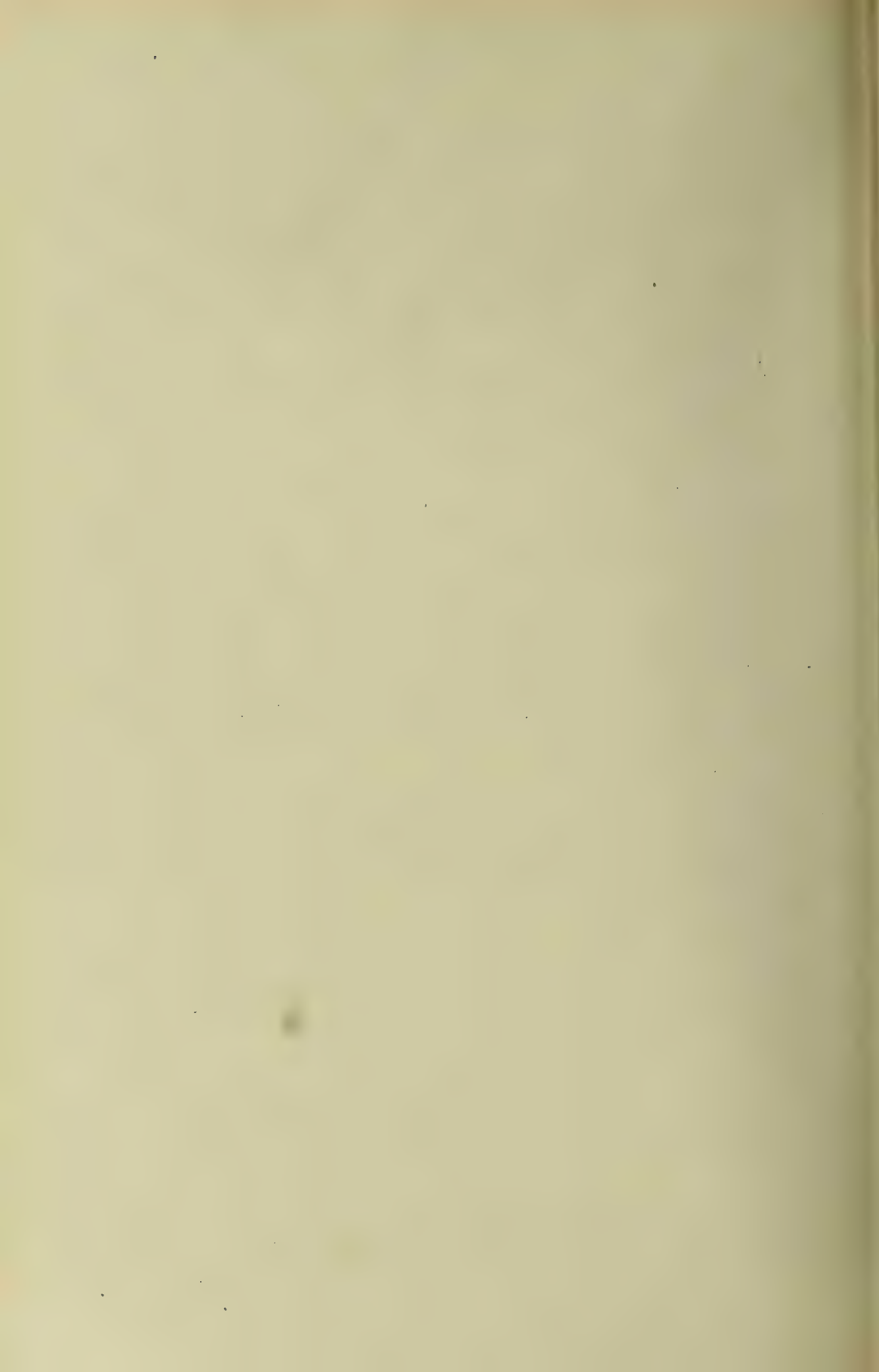
36 “Clerk” shall mean, with reference to towns, cities and villages, the town,
 37 city or village clerk, as the case may be; with reference to precincts, in coun-

38 ties not under township organization, it shall mean the county clerk; and it
39 shall mean the board of election commissioners of any city, village or incor-
40 porated town in this State in which there now is or hereafter may be a board
41 of election commissioners; and in the provisions of this Act applicable to or
42 within any such city, village or incorporated town, "legal voter" shall mean a
43 duly registered legal voter.

44 "Election" shall mean, in towns, cities and villages, an election at a time
45 fixed by law for choosing town, city or village officers, as the case may be; in
46 precincts in counties not under township organization, it shall mean an elec-
47 tion at a time fixed by law for choosing county officers. In cities and villages
48 the officers of which shall be chosen for a term of four years, "election" shall
49 also mean an election at a time fixed by law for choosing county officers. In
50 no case shall it mean a special election to fill a vacancy.

51 "Intoxicating liquor" shall include all distilled, spirituous, vinous, fer-
52 mented and malt liquors, *provided they contain, by actual weight, more than*
53 *2½ per cent of ethyl alcohol.*

Sec. 2. Any and all provisions contained in said Act approved May 16,
2 1907, in force July 1, 1907, in conflict with the provisions of this Act, are here-
3 by repealed.



- 1 Introduced by Mr. Tippit, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to amend an Act entitled, "An Act to provide for the payment of
bounties for killing crows," in force July 1, 1897.

Sec. 8. BOUNTY ON CROWS AND CROWS' EGGS, HAWKS AND HAWKS' EGGS.] Par. 1.
2 *Be it enacted by the People of the State of Illinois, represented in the Gen-*
3 *eral Assembly:* That every person who shall kill any crow or hawk, or take
4 any crow's eggs or hawk's eggs from their nest, in any county not under
5 township organization; or in counties under township organization, in any
6 township, village or city in the State of Illinois, shall be entitled to receive a
7 bounty of ten cents for each crow killed, and twenty-five cents for each hawk
8 killed, and five cents for each egg taken, to be allowed and paid in the manner
9 hereinafter provided.

10 Sec. 9. CROWS OR HAWKS, OR CROWS' HEADS OR HAWKS' HEADS, AND EGGS TO BE
 11 SHOWN—CERTIFICATE OF CLERK.] Par. 2. Every person applying for such
 12 bounty shall take such crow *or hawk*, or heads of such crows *or hawks*, or eggs.
 13 in lots of not less than ten, to the county clerk, in counties not under town-
 14 ship organization; or in counties under township organization, to the clerk of
 15 the township, village or city within which such crow or hawk shall have been
 16 killed, or eggs taken, and make proof of the killing of said crows *or hawks* or
 17 the taking of said eggs, to said clerk, by the affidavit of the person killing or
 18 taking these same, under oath or acclamation administered by said clerk, and
 19 signed by the affiant, and stating in said affidavit that said crows *or hawks*
 20 were killed, or eggs taken, within the limit of the county, in counties not un-
 21 der township organization, or in counties under township organization, with-
 22 in the limit of the township, city or village, in which such bounty is applied
 23 for. Whereupon the said clerk, if satisfied of the correctness of such claim,
 24 shall issue a certificate to the person claiming such bounty, stating the amount
 25 of said bounty to which such applicant is entitled, and deliver the same to said
 26 applicant; and said clerk shall destroy the heads of such crows or hawks, or
 27 the eggs so delivered.

28 Sec. 10. PAYMENT OF BOUNTIES.] Par. 3. Such certificate may be pre-
 29 sented by the claimant, or his agent, to the county clerk of the county in
 30 which said crows *or hawks* were killed, or eggs taken, who shall thereupon
 31 draw a warrant for the amount of said bounty on the treasurer of said county;
 32 and said treasurer shall, upon presentation of said warrant, pay the same from
 33 the general or contingent fund of said county.

- 1 Introduced by Mr. Tippitt, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act to amend an Act entitled “An Act to regulate and fix the time of killing fur-bearing animals,” approved June 4, 1907, in force July 1, 1907.

Sec. 80. WHEN UNLAWFUL.] Par. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That it shall be unlawful to trap or kill for profit or gain any mink, raccoon, opossum, fox, civit or skunk, otter, or musk rat, between the first day of March and the first day of December in any year.*

Sec. 81. PENALTY.] Par. 2. Any person who shall violate the provisions of this Act shall be subject to prosecution before any court of competent jurisdiction upon complaint, information or indictment, and shall upon conviction be fined for each offense not less than three dollars (\$3.00) and not more than twenty-five dollars (\$25.00),

- 1 Introduced by Mr. Walsh, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to provide a minimum space between street cars operating on public highways and for a penalty for violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That hereafter it shall be unlawful for any person
3 or persons, firm, association or corporation or corporations to operate any
4 cable, grip, electric, horse or other street car upon any public highway where
5 such cable, grip, electric, horse or other street car or any part or portion there-
6 of, while it is being operated upon such highway, comes in closer proximity
7 than three feet to any part or portion of any other cable, grip, electric, horse
8 or other street car being operated upon the same public highway. This Act
9 shall apply to cars operated on any public highway whether said cars are oper-
10 ated by the same or different company or companies, or owners or lessees.

Sec. 2. Any person, firm, association or corporation, or any agent of any
2 person, firm, association or corporation violating the provisions of section 1 of
3 this Act, shall be fined in a sum of not less than fifty dollars nor more than two
4 hundred dollars for each violation of this Act.

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- 1 Introduced by Mr. Chas. A. White, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to require corporations, companies or individuals who employ agents, servants or employes, to permit the investigation of accidents involving personal injury to any such agent, servant or employe by his or her representative and to enter upon the premises where the accident occurred for such purpose.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That every corporation, company or individual who may employ agents, servants or employes, shall permit the attorney or other representative of any such agent, servant or employe who may have been injured, or killed while in the discharge of his duty as such agent, servant or employe to enter upon the premises and inspect the place where such accident occurred and any ways, works, machinery, tools, or other appliance which may have been connected with such accident or injury, for the purpose of investigating the cause of such accident or injury, and shall permit the inter-

10 viewing upon such premises of witnesses or other employes of such employer
11 who may be familiar with the circumstances of such accident or injury, and
12 shall also permit the making of any sketch or photograph under the direction
13 of such attorney or representatives of the place where such accident or injury
14 occurred or of the ways, works, machinery, tools or other appliances con-
15 nected therewith: *Provided*, that such representatives shall show to such em-
16 ployer or his agent written authority to make such investigation, signed be-
17 fore or after the accident by such person or his parent or dependent relative
18 or executive officer of his labor union, or in case of death by the adminis-
19 trator of the estate or near relative of the deceased or an executive officer of
20 the labor union to which the deceased belonged.

Sec. 2. In case any corporation, company or individual shall violate all or
2 any of the provisions of the foregoing section and a suit for damages for
3 causing such injury or death of such agent, servant or employe shall have
4 been properly commenced against such corporation, company or individual,
5 the court in which said suit may be pending enforce the provisions hereof on
6 proper order entered in such cause, if after further refusal after order of the
7 court so entered, the court may commit to jail for contempt of such order or
8 fine and commit to jail for contempt any person or persons, officers of such cor-
9 porations or company or individual, as per other violation of the order of the
10 court, until such order of the court is complied with by said corporations, com-
11 pany or individual.

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- 1 Introduced by Mr. R. E. Wilson, March 24, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act to amend an Act entitled, "An Act to revise the laws in relation to oil inspection," approved March 12, 1874, in force July 1, 1874

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to revise the laws in relation to oil inspection," approved March 12, 1874, in force July 1, 1874, be amended to read as follows:

5 Sec. 1. It shall be unlawful for any person, co-partnership, association or
6 corporation to store either in tanks, barrels, reservoirs or otherwise, any coal
7 oil, naptha. gasoline, benzine or other mineral oils or fluids, the production of
8 petroleum, in any quantity in excess of fifty gallons for a period of more than
9 twenty-four hours at one time, in the corporate limits of any incorporated
10 city, town or village in this State.

11 Sec. 2. The judge of the county court of every county in this State on the
12 second day of July, or as soon thereafter as he can after this Act goes
13 into effect, appoint one or more inspectors for the inspection of coal oil,
14 naphtha, gasoline, benzine or other mineral oils or fluids, the production of
15 petroleum, for each and every township in this county in which he is judge, and
16 fix their reasonable compensation, to be paid by the party requiring their ser-
17 vice. Every such inspector shall hold his place for one year, or until a suc-
18 cessor is appointed and qualified, unless sooner removed from office; he may
19 appoint a deputy or deputies for whom he shall be responsible, and who shall
20 take the same oath and be liable to the same penalties as the inspector.

21 Sec. 3. Every such inspector, before entering upon the duties of his office,
22 shall take and subscribe the following oath:

23 I do solemnly swear (or affirm, as the case may be) that I will support the
24 constitution of the United States and the constitution of Illinois, and that I
25 will faithfully discharge the duties of the office of oil inspector, according to
26 the best of my ability.

27 He shall also execute a bond payable to the People of the State, in such
28 sum as shall be required by the county judge, conditioned for the faithful dis-
29 charge of the duties of his office. Any person aggrieved by the misconduct or
30 neglect of such inspector may maintain (suit) thereon for his own use.

31 Sec. 4. Upon the application of any manufacturer, refiner or producer of,
32 or any dealer in, any such oil or fluid, or of any officer or person to test any
33 such oil or fluid, such inspector shall test the same with all reasonable dispatch
34 by applying the fire test as indicated and determined by some pyrometer or
35 some other instrument of means equally accurate, which he shall have provided
36 at his own expense, to be approved by the judge of the county court, which
37 shall be entered on his docket, and may on his own order or the complaint of

38 any person require such additional test as he deems necessary to insure the
39 said oil or fluid being of the quality required by this Act.

40 Sec. 5. If the oils or fluids so tested will not ignite or explode at a tempera
41 ture less than one hundred and fifty degrees Fahrenheit, the inspector shall
42 mark plainly and indelibly, on each cask, barrel or package, "Approved fire
43 test being," but if said oils or fluids will ignite at a temperature
44 less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the in-
45 spector shall mark each cask, barrel or package, "Condemned for illuminating
46 purposes; fire test being". Said inspector while in office shall not
47 buy, sell, bargain or trade, directly or indirectly, in any of the said oils or
48 fluids.

49 Sec. 6. He shall also, within twenty-four hours after making any inspec-
50 tion, make a full and fair entry thereof in a record book to be kept for that
51 purpose, which shall be open to all persons wishing to examine the same, and
52 shall file a duplicate with the clerk of the county court of that county.

53 Sec. 7. Any such inspector or deputy who shall falsely brand, any pack-
54 age, barrel, cask or tank, or be guilty of any fraud, deceit, misconduct or shall
55 fail personally to make the test required by this Act or culpable negligence
56 in the performance of any of his official duties, shall be fined not exceeding
57 \$200.00 and be liable to the party injured for all damages occasioned thereby.

58 Sec. 8. Any manufacturer, refiner or producer of, or any dealer in, coal
59 oil, naptha, gasoline, benzine or other mineral oils or fluids, the production
60 of petroleum, in any township of any county of this State who shall neglect
61 to give notice to such inspector of any oil or fluid in his possession not already
62 inspected by some authorized inspector of this State, within two days after the
63 same is made or refined by him or received into his possession, or shall offer

64 any such oil or fluid for sale before the same has been so inspected, or shall
65 sell or attempt to sell to any person, for illuminating purposes, any such oil
66 which is below the approved standard, that is, having igniting point less than one
67 hundred and fifty degrees Fahrenheit, as indicated and determined in the man-
68 ner herein provided, or shall use any package, cask, barrel, tank or any other
69 thing having the inspection brand thereon, the oil or fluid therein not having
70 been inspected, or shall counterfeit any brand, shall be fined not less than
71 \$100.00 for the first offense and may be imprisoned not more than six months
72 in the county jail, and be liable to the party injured for all damages occasioned
73 thereby, and all the casks, barrels or packages so falsely used and their con-
74 tents shall be forfeited and may be seized and sold.

75 Sec. 9. The fines therein provided may be recovered in the name of the
76 People of the State of Illinois before any justice of the peace of the county
77 where the offense is committed, and when collected one-half shall be paid to
78 the informer, and the other half of the proceeds of the sales of casks, barrels
79 and packages and their contents thereof seized, as herein' provided, and shall be
80 paid in the town treasury.

- 1 Introduced by Mr. R. E. Wilson, March 24, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to repeal an Act entitled "An Act to prevent sales of merchandise in fraud of creditors," approved May 13, 1905, in force July 1, 1905.

- SECTION 1. *Be it enacted by the People of the State of Illinois represented*
- 2 *in the General Assembly:* That an Act entitled "An Act to prevent sales of
 - 3 merchandise in fraud of creditors," approved May 13, 1905, in force July 1, 1905.
 - 4 be and the same is hereby repealed.

-
- 1 Introduced by Mr. ApMadoe, by request, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent the adulteration of linseed oil or flaxseed oil and to prevent fraud in the sale thereof, and in the sale of compounds thereof, and to repeal all Acts in conflict herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person, firm or corporation, by himself, his
3 servant, or his agent, or as the servant or agent of any other person, firm or
4 corporation shall manufacture, or mix for sale, sell, offer or expose for sale, or
5 have in his possession with intent to sell in this State, under the name of raw
6 linseed oil or raw flaxseed oil, any substance which is not wholly the product
7 obtained from well cleaned flaxseed or linseed and unless the aforesaid oil also
8 fulfills the requirements of the 1900 edition of the Pharmacopoeia of the
9 United States, which follows:

10 Specific gravity 0.925 to 0.935 at 25 deg. C. (77 deg. F.).

11 It does not congeal at temperature above 20 deg. C. (4 deg. F.).

12 It is soluble in about 10 parts of absolute alcohol and in all proportions
13 in ether, chloroform, petroleum, benzine, carbon disulphide and oil of turpentine.

14 It should not more than slightly redden blue litmus paper, previously
15 moistened with alcohol. (Limit of free acid.)

16 The oil should be completely saponifiable with alcoholic potassium hy-
17 droxide T. S. and the resulting soap should be completely soluble in water with-
18 out leaving an oily residue (absence of mineral oils and rosin oil).

19 If a 2 Cc of the oil be warmed and shaken in a test tube with an equal
20 volume of glacial acetic acid, and if to this mixture, after cooling, 1 drop of sul-
21 phuric acid be added, a greenish color should be produced (a violet color under
22 these circumstances indicates the presence of rosin oils.).

23 Linseed oil saponified by alcoholic potassium hydroxide T. S. should show
24 a saponification value of from 187 to 195.

25 If 0.15 Gm. of linseed oil be dissolved in 10 Cc of chloroform in a 250 Cc
26 flask and 25 Cc of a mixture of equal volume of alcoholic iodine T. S. and
27 alcoholic mercuric chloride T. S. added, and if, after standing for 16 hours, pro-
28 tected from the light, 20 Cc potassium iodide T. S. be introduced and the mix-
29 ture diluted with 50 Cc of water, on titrating the excess of iodine with tenth
30 normal sodium thiosulphate V. S., an iodine value of not less than 170 should
31 be obtained.

32 No person, firm or corporation, by himself, his servant, or his agent, or as
33 the servant or agent of any other person, firm or corporation, shall manufacture,
34 or mix for sale, sell, offer or expose for sale, or have in his possession with in-
35 tent to sell in this State, any substance as boiled linseed oil, or as boiled flax-
36 seed oil, unless the same shall have been prepared by heating raw linseed oil,
37 as defined above, provided, that if drier is used in said boiled linseed oil, or
38 boiled flaxseed oil, the same shall have been prepared by incorporating said

drier with raw linseed oil, as defined above, at a temperature of not less than 225 deg. Fahrenheit, and furthermore contains not less than 96 per cent of linseed oil; and for the purpose of this Act it shall also be deemed a violation thereof, if said boiled linseed oil, prepared either with or without drier, does not conform to the following requirements:

First—Its specific gravity at 60 deg. Fahrenheit must be not less than 0.935 and not greater than 0.945.

Second—Its saponification value (Koettstorfer figure) must be not less than 186.

Third—Its iodine number (Huebl's method) must not be less than 160.

Fourth—Its acid value must not exceed 10.

Fifth—The volatile matter expelled at 212 deg. Fahrenheit must not exceed one-half of one per cent.

Sixth—No mineral oil shall be present and the amount of unsaponifiable matter as determined by standard methods shall not exceed 2.5 per cent.

Seventh—The film left after flowing the oil over glass and allowing it to drain in a vertical, or nearly vertical position, must dry free from tackiness in not to exceed twenty hours, at a temperature of about 70 deg. Fahrenheit.

Linseed oil or flaxseed oil which does not conform to the foregoing requirements shall be deemed to be adulterated within the meaning of this Act.

Sec. 2. No person, firm or corporation, either by himself or another, shall sell, offer or expose for sale, or have in his possession with intent to sell in this State, any linseed oil or flaxseed oil except under its true name and unless each barrel, keg or can of such oil has plainly and durably painted, stamped, stenciled, labeled or marked thereon the name of such oil in ordinary bold-faced capital letters, not less than five lines pica in size, together with the name and address of the manufacturer, jobber or dealer: *Provided*, that if the contents of the package be less than twenty-five gallons, the type shall not be less than two

9 lines pica in size. No painting, stamping, stenciling, labeling or marking, on
10 packages as required under the provisions of this Act shall contain any state-
11 ment, design or devise that is false or misleading.

12 Proof that any person, firm or corporation has, or had, possession of any
13 oil or compound which is adulterated or misbranded within the meaning of this
14 Act shall be *prima facie* evidence that the possession thereof is in violation of
15 this Act.

Sec. 3. Linseed oil compounds or flaxseed oil compounds designed to take
2 the place of raw or boiled linseed oil, or raw or boiled flaxseed oil, as defined
3 in section 1 of this Act, whether sold, offered or exposed for sale, under in-
4 vented proprietary names or titles, or not, shall bear conspicuously upon the
5 containing vessel, in capital letters not less than five lines pica in size, the word
6 "Compound," followed immediately with the true distinctive names of the ac-
7 tual ingredients in the order of their greater preponderance, in the English
8 language, in plain legible type of the same size, not less than two lines pica in
9 size, in continuous list with no intervening matter of any kind, and shall also
10 bear the name and address of the manufacturer, jobber or dealer.

11 Any oil or compounds required to be branded by the provisions of this Act
12 and not complying with sections 2 and 3, shall be deemed to be misbranded
13 within the meaning of this Act.

Sec. 4. It is hereby made a duty of the State Food Commissioner to en-
2 force the provisions of this Act

Sec. 5. The State Food Commissioner, his agents, assistants, experts, chem-
2 ists, or others apointed by him, shall have full rights of ingress and egress to
3 the premises occupied by parties who manufacture, sell, or deal in linseed oil
4 or flaxseed oil, or linseed oil compounds or flaxseed oil compounds, and also
5 shall have power and authority to open any tank, barrel, can, or other vesse:

6 believed to contain such oil, and to inspect the contents thereof, and to take
7 therefrom samples for analysis. In case any samples so taken shall prove on
8 analysis to be adulterated, or misbranded, in violation of the provisions of
9 this Act, it shall be the duty of the State Food Commissioner to proceed
10 against the offender as herein provided. No person shall obstruct the State
11 Food Commissioner, or any of his assistants, by refusing entrance to any place
12 which he desires to enter in the discharge of his official duty, as provided in
13 this Act, nor shall any person refuse to deliver to him a sample of oil when
14 same is requested, and when the value thereof is tendered.

Sec. 6. Any person, firm or corporation convicted of violating any of the
2 provisions of the foregoing Act shall, for the first offense, be punished by a
3 fine in any sum not less than fifteen dollars (\$15.00) and not more than one
4 hundred dollars (\$100.00), or by imprisonment in the county jail not exceed-
5 ing thirty days, or by both such fine and imprisonment, in the discretion of the
6 court; and for the second and each subsequent offense, by a fine of not less
7 than twenty-five dollars (\$25.00) and not more than two hundred dollars
8 (\$200.00), or by imprisonment in the county jail not exceeding one year, or
9 both, in the discretion of the court; or the fine above may be sued for and re-
10 covered before any justice of the peace, or any court of competent jurisdiction
11 in the county where the offense shall have been committed, at the instance of
12 the State Food Commissioner, or any other person, in the name of the People
13 of the State of Illinois, as plaintiff, and shall be recovered in an action of debt.

Sec. 7. All Acts and parts of Acts inconsistent with this Act are hereby
2 repealed.

1 Introduced by Mr. Burgett, March 25, 1909.

2 Read by title, ordered printed and referred to Committee on Live Stock and
Dairying.

A BILL

For an Act to protect the health of domestic animals in the State of Illinois, and
making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the importation or bringing into the State of
3 Illinois of any cattle for dairy or breeding purposes is hereby prohibited, ex-
4 cepting when such cattle are accompanied by a certificate from an inspector
5 of the United States Bureau of Animal Industry, or from an inspector, whose
6 competency and reliability are duly certified to by the authorities charged
7 with the control of the diseases of domestic animals in the State, territory,
8 district, province or country from whence such cattle came, certifying that
9 they have been examined and subjected to the tuberculin test and are free
10 from tuberculosis. Such certificate shall be in such form as may be prescribed

11 by the Board of Live Stock Commissioners of Illinois, and shall include the
12 tuberculin test record of the animals, and shall be made in triplicate, one of
13 which shall be forwarded by mail to the Board of Live Stock Commissioners of
14 Illinois, one to go to the railroad company, to be attached to the bill of lading
15 for such animals, and one to be given to the purchaser. The Board of Live
16 Stock Commissioners of Illinois shall adopt such rules as they may deem nec-
17 essary for conducting such tuberculin test for the purpose of insuring reliable
18 results therefrom.

Sec. 2. No shipment of cattle for dairy or breeding purposes from any
2 point outside of this State destined to any point within this State, shall be
3 received or brought within this State by any railroad, steam boat or trans-
4 portation company, or by any express company, or by any electric line, doing
5 business in this State, from any person, firm or corporation, or from any con-
6 necting railroad or transportation company, nor shall any such cattle be brought
7 within this State from any point outside of this State by any person, firm or
8 corporation, on the hoof or otherwise, unless the same be accompanied by the
9 certificate provided for in section 1 of this Act, and unless the regulations re-
10 stricting such shipments have been fully complied with by the consignor; and
11 no person, company or corporation shall purchase or receive such animals
12 unless the same be accompanied by such certificate.

Sec. 3. Any dairy or breeding cattle imported or brought into the State
2 of Illinois in violation of the provisions of sections 1 or 2 of this Act, or in
3 violation of any regulation adopted by the Board of Live Stock Commissioners
4 as herein provided for, shall be placed in quarantine by said Board of Live
5 Stock Commissioners, and held until tested with tuberculin by and under the
6 direction of said board, at the expense of the owner, shipper or consignee; and
7 all expense connected with such quarantine shall be paid by the owner, shipper

8 or consignee, and together with the costs of conducting the tuberculin test.
9 shall constitute lien on such cattle. Any such cattle that may react to the
10 tuberculin test shall be slaughtered and examined post mortem under State
11 supervision as provided by law; and no indemnity shall be allowed the owner,
12 shipper or consignee, beyond the net proceeds realized from the sale of the
13 carcass of such reacting animal.

Sec. 4. The Board of Live Stock Commissioners is hereby authorized and
2 empowered to prohibit or restrict the importation of any domestic animals
3 into the State of Illinois, whenever in their judgment such measures may be
4 necessary for the proper protection of the health of the domestic animal of
5 this State.

Sec. 5. Said board shall have power in like manner to regulate and pro-
2 hibit the running of any cars or boats into this State or within the State, that
3 have been used for the transportation of animals affected with any contagious
4 or infectious disease, or the condition of which may be such as to render them
5 liable to convey the infection, and to compel the proper disinfection of the
6 same. Said board shall also have power to regulate and prohibit the importa-
7 tion into this State or the carrying within this State of hay, straw, fodder or
8 other commodities, and to regulate and prohibit the importation or carrying
9 of the carcasses, or any part of the carcasses, of any animals—including the
10 hides, hoofs, bones and hair—through which any dairy or breeding stock in
11 this State may become infected.

Sec. 6. It shall be unlawful to offer for sale, or to purchase, any cattle
2 for dairy or breeding purposes, known to have reacted to the tuberculin test, or
3 to be affected with tuberculosis, except for purposes of slaughter at a point
4 where adequate inspection exists, or for breeding purposes to go in quarantine
5 under the direction of the State Board of Live Stock Commissioners.

Sec. 7. The Board of Live Stock Commissioners shall prescribe uniform rules for the tuberculin testing of cattle used for dairying or breeding purposes, and upon request of the owner thereof shall cause such test to be made, at the expense of the State. All such cattle so tested which shall react to the tuberculin test shall become at once subject to the charge and control of said Board of Live Stock Commissioners. Thereupon such reacting animals shall be appraised as provided by law, and shall be disposed of by said board in one of the following ways, at the option of the owner to be exercised at that time:

First—the owner may elect to have such animals separated from non-reacting animals in accordance with what is known as the “Bang System,” and retained upon the farm or premises under such quarantine regulations as the board may prescribe; or

Second—he may take as compensation for such animals a sum equal to three-fourths of the appraised value thereof; or

Third—he may agree to receive as compensation for such animals the net proceeds of the slaughter and sale thereof.

Any slaughter and sale of such animals shall be done and had by the board in the manner provided by law. In any case of appraisement as provided herein, where upon post mortem examination there is found to be no tuberculin lesion, then the animal shall be regarded as healthy, and the owner shall receive the full appraised value thereof. If upon application of the test for tuberculosis, there is found to exist open tuberculosis, the said board shall make such further tests of such cattle as it may find necessary or expedient to repress the disease or prevent infection.

Sec. 8. After any test of a herd has been made by the board and the disease of tuberculosis is found, the said Board of Live Stock Commissioners shall have such supervision over such herd and the premises where they are

4 kept, and may prescribe such rules and regulations in reference thereto, as
5 may be necessary to prevent reinfection of such herd or the spread of disease
6 among them.

Sec. 9. It shall be unlawful for any corporation, company or person
2 operating any creamery or cheese factory, with milk or cream gathered from
3 miscellaneous sources, to return to the patrons or offer for sale either skim
4 milk, buttermilk, or whey, until the same is properly pastuerized by heating to
5 eighty degrees Centigrade (176 degrees Fahrenheit), as determined by Storch's
6 color test: *Provided*, that the Board of Live Stock Commissioners shall have
7 power to release any such creamery or factory from the limitations of this
8 provision when to their knowledge tuberculosis does not exist in the herds con-
9 tributing to their supply

Sec. 10. The Board of Live Stock Commissioners is hereby charged with
2 the enforcement of the provisions of this Act, and is authorized and em-
3 powered to prescribe such rules and regulations as may be necessary for such
4 purposes.

Sec. 11. For the purposes of this Act the Board of Live Stock Commis-
2 sioners shall have power and authority to control and restrict the sale and
3 use of tuberculin.

Sec. 12. Any person who shall use or cause to be used by any other per-
2 son, tuberculin or any other agent upon cattle, by injection or otherwise, for
3 the purpose of preventing a proper reaction when the tuberculin test is made
4 by an intending purchaser or other person, shall be deemed guilty of a misde-
5 meanor, and upon conviction thereof shall be punished by a fine of not less than
6 two hundred dollars nor more than five hundred dollars, or by imprisonment

7 in the county jail not more than one year nor less than six months, or by both
8 such fine and imprisonment.

Sec. 13. Any railroad, steamboat or transportation company, or any express company or electric line, that shall violate any provision of this Act, or any regulation of the Board of Live Stock Commissioners authorized by this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand dollars for each offense.

Sec. 14. Any person or persons that shall by himself or themselves, or by his or their servants or employes, move any such prohibited animals on foot, or over any ferry into this State, or shall violate any provision of this Act or any regulation of the Board of Live Stock Commissioners authorized by this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense and shall be committed to the county jail until such fine and costs are paid.

Sec. 15. All fines recovered under the provisions of this Act shall be paid into the county treasurer of the county in which the suit is brought to recover the same, to be used for county purposes, and it shall be the duty of the State's Attorneys in their respective counties to prosecute for all violations of this Act.

Sec 16. To carry into effect and to enforce the provisions of this Act, the sum of one hundred and fifty thousand dollars (\$150,000) annually is hereby appropriated for the years 1909 and 1910, the same to be expended by the Board of Live Stock Commissioners.

Sec. 17. Inasmuch as the health of the dairy and breeding stock of the
2 State is endangered from contagious disease known as tuberculosis among
3 cattle, an emergency exists requiring this Act to take effect immediately;
4 therefore this Act shall take effect and be in force from and after its
5 passage.

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- 1 Introduced by Mr. Corcoran, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to prohibit discrimination in the price paid for products and commodities of like grade, gravity and quality by corporations and individuals engaged in transportations, their agents, officers and employes, and other persons and corporations, and providing penalties.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any corporation or in-
3 dividual engaged in transportation, or any of their agents, officers or employes,
4 or any person or persons, corporation or corporations, acting by, through or
5 under such corporation or individual so engaged in transportation, or any of
6 such corporations or individuals, agents, officers or employes, or either of them,
7 being a dealer therein, to unjustly discriminate in the prices asked, received,
8 offered or paid for any products or commodities carried by such transporter
9 of like gravity, grade, character or quality, or to unjustly discriminate in
10 price asked, received, offered or paid in favor of inferior grade, gravity or

11 quality, as against a superior grade, gravity or quality, as between or among
12 individuals or corporations, or both, engaged in mining, producing or manu-
13 facturing any products or commodity, whether such person so discriminated
14 against mine, produce or manufacture such products or commodities in the
15 same or in different locality; and each offer, sale, quotation or purchase,
16 where such discrimination exists, shall be and constitute a separate offense
17 hereunder.

Sec. 2. Any person, firm or corporation, foreign or domestic, doing busi-
2 ness in the State of Illinois, and engaged in the production, manufacture or
3 distribution of any commodity in general use that shall intentionally, for the
4 purpose of destroying competition, discriminate between different sections, com-
5 munities or cities of the State, by selling such commodity at a lower rate in
6 one section, community or city, or any portion thereof, than is charged for
7 such commodity in another section, community or city, after equalizing the dis-
8 tance from the point of production, manufacture or distribution, and freight
9 rates thereon, shall be deemed guilty of unfair discrimination.

Sec. 3. Any person or persons, firm, or corporation or corporations, who
2 shall violate the provisions of section 1 of this Act, shall, upon conviction
3 thereof, be fined in any sum not exceeding five thousand dollars for each of-
4 fense; to which shall be added a docket fee in favor of the prosecuting officer,
5 in such sum as may, in the discretion of the judge presiding at the trial, be
6 proper, and not exceeding one thousand dollars for each offense, such fee to
7 be taxed as part of the costs following conviction. Prosecutions under this
8 Act may be by the prosecuting attorney, the Attorney General or by any per-
9 son injuriously affected by any such discrimination.

Sec. 4. Any corporation, foreign or domestic, convicted of a violation of
2 this Act, shall forfeit its charter, if a domestic corporation, and its permit to

3 do business in Illinois, if a foreign corporation, upon certificate of judgment
4 obtained in any court of competent jurisdiction to the Secretary of State.

Sec. 5. If, after the revocation of such charter, in the case of a domestic
2 corporation, or of its permit, if it be a foreign corporation, any corporation
3 shall continue or attempt to do business in the State of Illinois, it shall be the
4 duty of the Attorney General, by a proper suit in the name of the State of
5 Illinois, to oust such corporation from all business of every kind and character
6 in the said State of Illinois.

Sec. 6. Nothing under this Act shall be construed as repealing any other
2 Act or part of an Act, but the remedies herein provided shall be cumulative to
3 all other remedies provided by law.

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- 1 Introduced by Mr. Erby, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Military Affairs.

A BILL

For an Act to establish a military and naval code for the State of Illinois, and to
repeal all Acts in conflict herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly, as follows:*

ARTICLE 1.

THE MILITIA.

SECTION 1. All able-bodied male citizens of this State, between the ages
2 of 18 and 45 years, except such as are expressly exempted by the laws of the
3 United States, or are State or county officers, or on account of their profession
4 or employment are exempted by the Commander-in-Chief shall be subject to
5 military duty and designated as the Illinois State Militia.

Sec. 2. The State militia shall be divided into two parts, the organized and
 2 the unorganized. The organized militia shall be further divided into the "Illinoi
 3 nois National Guard" and the "Illinois Naval Reserve." All persons liable
 4 to military service and not enrolled in either of the above classes constitute the
 5 unorganized, or reserve, militia.

Sec. 3. When it is necessary to execute the laws, suppress or repel invasion,
 2 or to quell riots, or when a requisition shall be made by the President of the
 3 United States for troops or seamen, the Governor, as Commander-in-Chief, may,
 4 by his proclamation, require the enrollment of the unorganized, or reserve,
 5 militia of the State, or such portion thereof as may be necessary, and he shall ap-
 6 point necessary enrolling officers and prescribe their duties, issuing all proper
 7 orders that may be required in the premises. He may designate the place of
 8 rendezvous, provide for the organization of the land forces of the militia into
 9 companies, battalions, regiments and brigades, and the naval force into di-
 10 visions and ship's crews, and provide for their equipment, as the case may re-
 11 quire. The unorganized militia, when called into active service, shall receive
 12 the same pay and allowance as is provided for like troops in the service of the
 13 State, or of the United States, respectively.

ARTICLE II.

THE ORGANIZED MILITIA.

Section 1. The land forces of the organized militia shall be designated as
 2 the Illinois National Guard, hereinafter termed the National Guard, and shall
 3 consist, in time of peace, of not more than one major general and three briga-
 4 dier generals of the line, twenty-four battalions of infantry, one company of
 5 engineers, one regiment of cavalry, three batteries of field artillery, one com-
 6 pany of signal corps, one field hospital, the necessary line and staff officers

7 and non-commissioned officers and supply departments, as specified in Art. IV
8 hereof, and the officers of the retired list.

Sec. 2. The naval force of the organized militia shall be designated as the
2 Illinois Naval Reserve, hereinafter termed the Naval Reserve, and in time of
3 peace shall consist of a ship's complement of twelve divisions, with the neces-
4 sary line and staff officers, and warrant and petty officers as specified in Art.
5 V hereof, and the officers of the retired list.

Sec. 3. The Commander-in-Chief may consolidate, transfer, muster out,
2 disband, muster in new organizations to replace those mustered out or dis-
3 banded, and make such other changes in the organization of the National
4 Guard and the Naval Reserve as the best interests of the service may require:
5 *Provided*, that such changes do not conflict with the organization prescribed
6 from time to time for similar bodies of the U. S. army or navy, or increase
7 the total number of organizations or of general officers provided for herein.

Sec. 4. The Commander-in-Chief is hereby authorized to make rules and
2 regulations for the government of the land and naval forces of the State, but
3 such rules and regulations shall conform to the laws of this State, and as
4 nearly as practicable to the regulations for the army and navy of the United
5 States.

Sec. 5. The organization, equipment, discipline and government of the
2 National Guard and the Naval Reserve not otherwise provided for in this Act.
3 or in regulations, shall conform to the regulations, customs and usages of the
4 army and navy of the United States.

Sec. 6. Every officer, and enlisted man of the National Guard or Naval Re-
2 serve shall be exempt from jury duty, from payment of road labor and head
3 or poll tax of every description during the time he shall hold a commission as

4 an officer, or be enrolled as an enlisted man therein; the exemption from jury
 5 duty shall continue after honorable discharge for a period equal to that honor-
 6 ably completed in the National Guard or Naval Reserve. The uniforms, arms
 7 and equipment of every member of the National Guard or Naval Reserve shall
 8 be exempt from all suits, distresses, executions or sales for debts or payment
 9 of taxes. The members thereof shall in all cases except treason, felony, or
 10 breach of peace, be privileged from arrest and imprisonment by civil authority
 11 while under orders in the active service of the State, from the date of the issu-
 12 ing of such orders to the time when such service shall cease.

ARTICLE III.

GENERAL ORGANIZATION.

Section 1. The Governor of the State is, *ex-officio*, Commander-in-Chief of
 2 the military and naval forces of the State.

Sec. 2. The Commander-in-Chief may appoint the following officers as
 2 members of his personal staff:

3 Four aids, whom the Governor may appoint at discretion and commission
 4 as aids in grades not above that of colonel.

5 Six aids may be selected by the Commander-in-Chief from the commissioned
 6 officers of the National Guard and Naval Reserve in active service, of grade
 7 below that of colonel; each of them may receive a commission as aid, which,
 8 however, shall not add to the actual grade of the officer so appointed, nor shall
 9 such officer be relieved from duty with his proper organization, but shall per-
 10 form all duty pertaining thereto. except when actually on duty as aid under
 11 the orders of the Commander-in-Chief.

Sec. 3. All appointments as aids shall be held at the pleasure of the Commander-in-Chief and shall expire by limitation at the expiration of his term of service as Governor.

Sec. 4. The Commander-in-Chief shall also appoint the following staff officers, who shall be chiefs of their respective staff departments:

a. An Adjutant General, with rank of Major General, who shall be *ex officio* Chief of Staff, Inspector General, Quartermaster General, Commissary General, Paymaster General, and Chief of Ordnance of the State forces.

b. A Surgeon General, with rank of colonel.

c. A Judge Advocate, with rank of colonel.

Sec. 5. On the recommendation of the Adjutant General, the Commander-in-Chief shall appoint from officers or ex-officers of the National Guard or Naval Reserve, not below the rank of captain or lieutenant, respectively, the following assistants to the Adjutant general: One adjutant general, one inspector general, one assistant quartermaster general and one ordnance officer, each with rank of colonel, and one assistant quartermaster with rank of captain.

Sec. 6. The Adjutant General and his assistants shall be men of military training and experience and each shall have had military service as an officer of not less than five years, at least three of which shall have been in the line.

Sec. 7. The Adjutant General, the assistant adjutant general, the assistant quartermaster general and the assistant quartermaster shall all reside at the State capital and give their entire time to their military duties.

Sec. 8. The Surgeon General and the Judge Advocate must each have had military service as an officer of not less than five years, and be men of recognized high standing of not less than ten years practice in the professions of medicine and surgery, and of law, respectively.

Sec. 9. Unless otherwise prescribed in any given case, the term "military service," used herein as a qualification for appointment of all officers of the National Guard or Naval Reserve, is defined to mean military or naval service rendered in the organized militia of any state, or to the United States, in the regular army or volunteers, in either or all. Military instruction of one year or more at a standard military school under instruction of an officer of the army or navy may also be accepted as "military service."

Sec. 10. The officers named in sections 4 and 5 of this article shall be commissioned as officers of the National Guard in their respective grades and departments, but shall also have administrative supervision and control in their respective departments, of affairs of the Naval Reserve and of the unorganized militia.

Sec. 11. No orders involving expenditure of public funds in the military service shall be given by any officer or other person except as provided by law, or in emergency of the public peace, when life and property are endangered, and subject to approval of the Commander-in-Chief.

ARTICLE IV.

ORGANIZATION OF THE NATIONAL GUARD.

Section 1. The component parts of the National Guard on the active list named in Art. II, Sec. 1, hereof, shall consist of and be organized in staff and line in time of peace as follows:

Sec. 2. The Staff departments, to-wit:

- 2 An Adjutant General's department;
- 3 An Inspector General's department;
- 4 A Quartermaster's department;

- 5 A Subsistence department;
- 6 A Medical department;
- 7 A Pay department;
- 8 An Ordnance department;
- 9 A Judge Advocate's department;
- 10 A Corps of Engineers;
- 11 A Signal Corps.

Sec. 3. All officers and troops of the line, and of the staff attached thereto,
2 on the active list, shall be embodied in and constitute a tactical and adminis-
3 trative military division, commanded by a major general who shall be respon-
4 sible for all matters pertaining to instruction, discipline and military efficiency
5 therein, under the law and regulations.

Sec. 4. A brigade shall consist of two or more regiments of infantry and
2 shall be commanded by a brigadier general.

Sec. 5. The general officers of the line shall have the usual personal aids
2 and department staff officers as provided for similar commands in the United
3 States army, which, with the organization of the various tactical units, shall be
4 specified in general orders or regulations by the Commander-in-Chief.

Sec. 6. Temporary vacancies in the full number of organizations or offi-
2 cers required, due to muster out of companies or other units, or pending organ-
3 ization of new units, or while awaiting appointment, election or qualification
4 of officers, shall not invalidate the standing in law of any tactical unit.

Sec. 7. In time of war, insurrection or invasion, or reasonable danger
2 thereof, the Commander-in-Chief shall have power to increase the strength of
3 existing units to the full war strength prescribed by the United States, and to
4 organize additional ones, to complete a full divisional organization as required

5 by United States law and regulations. After the emergency has passed, or
6 troops have returned from service, the strength of the division shall be made
7 to conform to the authorized peace basis.

Sec. 8. Any staff officer in service on the date of approval of this Act,
2 holding commission under present provisions of law, but in excess as to number
3 or rank of those provided for herein, may be retained in his present depart-
4 ment and rank, until he shall retire, resign, or vacate his commission through
5 any other cause. No appointments of staff officers shall be made hereafter,
6 however, except in conformity in rank and number as prescribed herein.

ARTICLE V.

ORGANIZATION OF THE NAVAL RESERVE.

Section 1. The Naval Reserve shall be organized as a ship's crew and shall
2 consist of one captain; one commander, who shall be executive officer; one
3 lieutenant commander, who shall be navigating officer; one lieutenant, who
4 shall be ordnance officer; one lieutenant, who shall be equipment officer; a staff
5 consisting of one lieutenant commander, who shall be chief engineer; one lieu-
6 tenant, who shall be paymaster; one lieutenant, junior grade, who shall be
7 passed assistant paymaster; one ensign, who shall be an assistant paymaster;
8 one lieutenant, who shall be chaplain; one lieutenant, junior grade, who shall be
9 signal officer; one lieutenant, junior grade, who shall be secretary; two ensigns,
10 aids, twelve divisions, two of which shall be steam engineer divisions, and one
11 band. There shall also be allowed on the staff of the Naval Reserve not to
12 exceed eight warrant officers and such petty officers as may be required and
13 approved by the Commander-in-Chief.

Sec. 2. A division shall consist of one lieutenant; one lieutenant, junior
2 grade; two ensigns; one boatswain's mate, first class; one gunner's mate, first

3 class; one quartermaster, first class; one master-at-arms, second class; one
 4 boatswain's mate, second class; one gunner's mate, second class; one quarter-
 5 master, third class; two musicians; one coxswain for every twenty seamen; and
 6 thirty seamen as a minimum and eighty as a maximum.

Sec. 3. A steam-engineer division shall consist of one lieutenant, who shall
 2 be passed assistant engineer; one lieutenant, junior grade, who shall be passed
 3 assistant engineer; two ensigns, who shall be assistant engineers; and not to
 4 exceed four chief machinist's mates, second class; two electricians, second class;
 5 one yeoman, second class; two musicians; four oilers, third class; eight water
 6 tenders; eight firemen, first class; twenty-four firemen, second class; and twenty-
 7 four coal passers.

Sec. 4. The chief engineer, signal officer, secretary and aids shall not be
 2 considered to be "staff" officers, but shall be line officers, and as such entitled
 3 to assume command.

Sec. 5. The naval forces shall not be considered as attached to any divi-
 2 sion or brigade of the land forces of the State, but shall be under the direct
 3 command of the Commander-in-Chief. When, however, the Naval Reserve, or
 4 any part thereof, shall be in the field or afloat upon actual service, the senior
 5 officer present shall command same, and whenever operating or acting in con-
 6 junction with the land forces of the militia of the State, the senior officer pres-
 7 ent, according to relative rank of either force, shall command the whole, un-
 8 less otherwise specially ordered or directed by the Commander-in-Chief, or
 9 other competent military or naval authority.

Sec. 6. No officer of the staff shall be entitled by virtue of his rank to
 2 assume command when officers of the line are present and capable of assuming
 3 command, unless expressly authorized so to do by law, or by the terms of his

4 commission, where an officer of similar rank and position in the United States
 5 navy service would not be entitled to assume command, unless by express di-
 6 rections of the Commander-in-Chief or other competent authority.

Sec. 7. All petty officers of divisions, on recommendation of the command-
 2 ing officer of their divisions, shall be appointed by warrant by the command-
 3 ing officer of the Naval Reserve, provided they shall have passed an examina-
 4 tion prescribed by the officer issuing the warrant.

5 The commanding officer of the Naval Reserve is empowered to detail an
 6 officer or officers to conduct such examinations.

Sec. 8. The Commander-in-Chief shall have power to assign any officer.
 2 warrant or petty officer, or seamen of the United States navy detailed or
 3 assigned to duty with the Naval Reserve, as instructor or otherwise, to such
 4 duties as he may deem proper and suitable, and shall have power to confer
 5 upon any such officer, warrant or petty officer, or seamen, such rank in the
 6 naval service of the State, during such detail or assignment, as he may deem
 7 best.

ARTICLE VI.

THE ADJUTANT GENERAL'S DEPARTMENT.

Section 1. The Adjutant General's Department shall consist of the Adju-
 2 tant General and five adjutants general, namely: One colonel, one lieutenant
 3 colonel, and three majors.

Sec. 2. An adjutant general with rank of colonel shall be chief assistant
 2 to the Adjutant General at his office at the State capital, and shall perform
 3 such duties as may be directed by him or by the Commander-in-Chief. In the

4 event of the disability of the Adjutant General, or his absence from the State,
5 his chief assistant shall perform the duties of the Adjutant General.

Sec. 3. An adjutant general with rank of lieutenant colonel shall be adju-
2 tant general of the division, and *ex-officio* chief of staff of the division.

Sec. 4. The other officers of the Adjutant General's department shall be
2 assigned for duty on the staffs of the division or brigade commanders, and
3 perform the duties properly pertaining to that department.

Sec. 5. The Adjutant General shall issue and transmit and keep a record
2 of all orders and regulations of the Commander-in-Chief and of all matters
3 pertaining to the unorganized militia, the National Guard and the Naval
4 Reserve.

Sec. 6. He shall keep a record of all appointments, elections and commis-
2 sions of officers, and appointments of noncommissioned officers. He shall have
3 general charge of recruiting and record all enlistments and discharges, and
4 keep the necessary military history of each member of the State forces.

Sec. 7. He shall have charge of all correspondence and the records there-
2 of, pertaining to his office, and shall file for record all returns of troops and
3 all reports and records of field service and camps of instruction, and of all
4 active service performed by troops of the State, in service of the State or of
5 the United States.

Sec. 8. The Adjutant General shall have charge of and carefully preserve
2 the colors, flags, guidons and military trophies of war belonging to the State,
3 and shall not allow the same to be loaned out or removed from their proper
4 place of deposit. He shall furnish, at the expense of the State, blanks and
5 forms, and such military and naval instruction books as shall be approved by
6 the Commander-in- Chief.

Sec. 9. On or before the first day of November next preceding the regular session of the General Assembly, the Adjutant General shall make out a full and detailed report of all the transactions of his office, with the receipts and expenditures of the same for two preceding years. In preparing his account of the money paid out and expended, he will group the expenditures made from each separate appropriation under the following subheads or titles:

Sec. 10. National Guard.

1. Armory rent, fuel, light, janitor service, etc.
2. Camp and garrison equipage, clothing and equipment.
3. Pay of officers and troops for camp duty and other duties ordered by the Commander-in-Chief.
4. Transportation of officers and troops.
5. Subsistence of troops at each camp of instruction, practice, march, or other duty ordered by the Commander-in-Chief.
6. Horse hire and forage.
7. Rifle practice, including all expenses connected therewith, except pay of officers and enlisted men and civilian employes.
8. Pay of permanent salaried officers, clerks, enlisted men and civil employes.
9. Miscellaneous expenses.
10. Total expenditures.

Sec. 11. Naval Reserve.

1. Armory rent, light, fuel, janitor, etc.
2. Camp and garrison equipage, clothing, equipments, tools and instruments.
3. Pay of officers and men for camp or cruise duty, and other duties ordered by the Commander-in-Chief.

- 7 4. Transportation of officers and men.
- 8 5. Subsistence of officers and men at each camp of instruction on prac-
- 9 tice cruise, or other duty ordered by the Commander-in-Chief.
- 10 6. Dockage and repairs.
- 11 7. Gun and small arms practice, and expenses immediately pertaining
- 12 thereto.
- 13 8. Pay of permanent salaried officers, clerks, enlisted men and civil em-
- 14 ployes.
- 15 9. Steam engineering department.
- 16 10. Miscellaneous expenses.
- 17 11. Total expenditures.

18 The Adjutant General shall also report the total unexpended balance of

19 appropriation on hand, and shall also report upon such other matters at such

20 times as shall be required by the Commander-in-Chief.

Sec. 12. In his capacity as head of the Quartermaster's, Subsistence and

2 Ordnance departments, the Adjutant General shall have general supervision of

3 the State arsenal and armories and the grounds and buildings of all military

4 camps and rifle ranges, and shall receive and issue all ordnance and ordnance

5 stores, clothing, camp and garrison equipage, subsistence stores, and all other

6 public property pertaining to the military and naval forces of the State, on the

7 order of the Commander-in-Chief.

Sec. 13. The Adjutant General shall direct and have charge of the pur-

2 chase of all military stores and supplies; purchase of supplies and stores not

3 exceeding \$100 in value shall be purchased in such manner as the Adjutant

4 General may direct.

Sec. 14. If such purchase requires an expenditure exceeding \$100 and not

2 exceeding \$500, he shall secure written proposals to furnish such supplies or

3 stores from at least three parties, and shall purchase such supplies or stores
4 from the lowest responsible bidder.

Sec. 15. If such purchase shall require the expenditure of a sum exceed-
2 ing \$500, he shall publicly advertise, for at least ten days in one or more (not
3 exceeding four) newspapers of general circulation, published or circulated in
4 districts where such supplies or stores are manufactured, jobbed or whole-
5 saled, for sealed proposals for furnishing such supplies or stores, reserving
6 the right to reject any or all proposals; such proposals shall be accompanied
7 by samples of the stores or supplies proposed to be furnished, when the na-
8 ture of such stores and supplies makes it practicable so to do; such proposals
9 shall be publicly opened by the Adjutant General at the place, day and hour
10 designated in such advertisement.

Sec. 16. Subject to the approval of the Commander-in-Chief, the Adjutant
2 General shall let all contracts for stores and supplies to the lowest responsi-
3 ble bidders. A copy of all advertisements, proposals and contracts shall be
4 filed in the office of the Adjutant General.

Sec. 17. The Adjutant General shall require a bidder to whom a contract
2 is awarded to give bond running to the People of the State in such sum and
3 with such surety as he shall direct, conditioned upon the faithful performance
4 of such contract; in case of breach of the conditions of any such bond, action
5 shall be brought thereon by the Attorney General, and all moneys recovered
6 shall be turned into the State military fund. All stores, supplies or property
7 purchased under contract shall be rigidly inspected by an officer detailed for
8 that purpose by the Commander-in-Chief, and compared with the samples fur-
9 nished or with standard supplies and stores of like character, before the same
10 shall be accepted or paid for

Sec. 18. If such stores and supplies so furnished under contract are not
2 equal in quantity, quality or value to those contracted for, the same shall be
3 rejected.

Sec. 19. The above provisions shall apply in the matter of all purchases,
2 except that in time of public danger, or when an emergency exists, and the
3 Commander-in-Chief so decides, and so orders in writing. The Adjutant Gen-
4 eral may purchase, or authorize the purchase, of stores and supplies in the
5 open market sufficient for the needs of the emergency then existing, without re-
6 quiring proposals, and without advertising for the same.

Sec. 20. All moneys arising from the sale of damaged or surplus military
2 stores and property, or from stores or property sold to the United States, shall
3 be turned into the State treasury and shall constitute a fund to be known as
4 the "State military fund," and to be kept separate from other funds and paid
5 out by the Treasurer for general military purposes on proper vouchers certi-
6 fied by the Adjutant General and approved by the Commander-in-Chief.

ARTICLE VII.

THE INSPECTOR GENERAL'S DEPARTMENT.

Section 1. The Inspector General's department shall consist of the In-
2 spector General (the Adjutant General) and two inspectors general, namely:
3 One colonel and one lieutenant colonel.

Sec. 2. The officers of the Inspector General's department are charged
2 with making inspections of individuals, troops and organizations of the National
3 Guard and Naval Reserve. Such inspections shall be made only in compliance
4 with competent orders.

Sec. 3. Any officer of the National Guard or Naval Reserve may be detailed by the Commander-in-Chief to make inspections.

Sec. 4. The entire National Guard and Naval Reserve shall be inspected at their home stations at least once in each year.

ARTICLE VIII.

THE QUARTERMASTER'S, SUBSISTENCE, ORDNANCE AND PAY DEPARTMENTS.

Section 1. The quartermaster's department shall consist of the quartermaster General (the Adjutant General), one assistant quartermaster general, colonel, one deputy quartermaster general, lieutenant colonel, three quartermasters, majors, one assistant quartermaster, captain, and not to exceed six post quartermaster sergeants.

Sec. 2. The Quartermaster's department is charged with furnishing all means of transportation, clothing, tentage, fuel, stoves, and other means of heating; all public animals and forage therefor, water supply, means of lighting, all building materials and stationery; with the construction of roads and building, and, in general, all necessary supplies and services not specified for some other staff department.

Sec. 3. The assistant quartermaster general shall assist the Quartermaster General (the Adjutant General) in his office and as he may direct in all matters pertaining to the supply departments, and as directed by him in his capacity as Quartermaster General, Commissary General and Chief of Ordnance, and have charge of all property issues, of accountability and of records in these departments.

Sec. 4. The captain and assistant quartermaster shall have immediate charge of the State arsenal and all property and stores therein; he shall care

3 for all public property in his charge and keep such records thereof as may be
 4 ordered by the Quartermaster General, and perform such other duties pertain-
 5 ing thereto, or otherwise, as may be assigned to him by authority of the Quar-
 6 termaster General.

Sec. 5. The Subsistence department shall consist of the Commissary Gen-
 2 eral (the Adjutant General), one deputy commissary general, lieutenant colo-
 3 nel, three commissaries, majors, and four post commissary sergeants.

Sec. 6. The Subsistence department is charged with the purchase and issue
 2 of all food supplies for the troops, operating bakeries and such other details
 3 as pertain to such duties.

Sec. 7. The Ordnance department shall consist of the Chief of Ordnance
 2 (the Adjutant General) and six ordnance officers, namely: One colonel, one
 3 lieutenant colonel, three majors, one captain, and such number of ordnance ser-
 4 geants as may be necessary. All ordnance officers shall be subject to detail as
 5 inspectors of small arms practice.

Sec. 8. The Ordnance department is charged, in general, with furnishing
 2 ordnance and ordnance stores as defined in the United States army regu-
 3 lations.

Sec. 9. The other officers of the Quartermaster's department and the offi-
 2 cers of the Subsistence and Ordnance departments shall be assigned to duty
 3 with the division and brigades, as directed by the Commander-in-Chief.

Sec. 10. The Pay Department.

2 The Adjutant General shall act as Paymaster General and shall be assisted
 3 by officers detailed for the purpose, as may be authorized by the Commander-in-
 4 Chief. He shall have charge of all disbursements of pay and allowances to of-

5 ficers and men of the National Guard and Naval Reserve as may be author-
 6 ized by law, and render such returns and accounts for such disbursements as
 7 may be required by law and regulations.

ARTICLE IX.

THE JUDGE ADVOCATE'S DEPARTMENT.

Section 1. The Judge Advocate's department shall consist of two judge
 2 advocates, one colonel, who shall act as, and perform the duties incident to
 3 the office of, Judge Advocate General, and one lieutenant colonel, who shall
 4 be judge advocate on the staff of the division commander.

Sec. 2. Officers of the Judge Advocate's department may be required to
 2 prepare or revise charges and specifications preferred against members of the
 3 State forces; to advise as to the legality of proceedings and sentences of gen-
 4 eral courts martial; to pass upon action of courts of inquiry and boards con-
 5 vened under Art. XIV, Sec. 7 hereof and to draft contracts, bonds, deeds, leases,
 6 etc., pertaining to the military service of the State, as may be referred to them
 7 by superior authority in any case. In general they shall serve as legal ad-
 8 visers to the Commander-in-Chief, the division commander, and the Adjutant
 9 General in all matters pertaining to the military and naval service of Illinois.

Sec. 3. Any officer of the State military or naval service may be detailed
 2 as judge advocate of a general court martial; it shall be his duty in such case
 3 to prosecute, according to law, and the custom and procedure prescribed in the
 4 United States army, the charges preferred against the person on trial, but at
 5 the same time to protect the legal rights of the accused.

ARTICLE X.

THE ENGINEER AND SIGNAL CORPS.

Section 1. The Corps of Engineers shall consist of the chief engineer,

2 lieutenant colonel, and the officers and engineer troops as provided for a like
3 organization in the United States army.

Sec. 2. The chief engineer shall serve on the staff of the division com-
2 mander.

Sec. 3. The officers of the Engineer Corps shall be men who have received
2 an education in some branch of the engineering profession.

Sec. 4. The Signal Corps shall consist of the chief signal officer, lieuten-
2 ant colonel, one captain, three first lieutenants, five sergeants, first class; nine
3 sergeants; ten corporals; two cooks; eighteen privates, first class; eighteen pri-
4 vates. At least two-thirds of the officers and men of the signal corps shall
5 be expert telegraphers or electricians.

Sec. 5. The chief signal officer shall serve on the staff of the division
2 commander.

Sec. 6. All officers and men of the Signal Corps belong to the staff but
2 for purposes of administration and discipline; a signal corps company shall be
3 formed, as authorized by the United States regulations.

ARTICLE XI.

THE MEDICAL DEPARTMENT.

Section 1. The medical department shall consist of the medical corps, com-
2 posed of commissioned officers regularly attached to the organized militia—the
3 hospital corps, composing the enlisted strength thereof, and the medical re-
4 serve corps, composed of reserved medical officers.

Sec. 2. All appointments of ~~offic~~ers in the medical department shall be
2 made on the recommendation of the commanding officer of the organization

3 to which they are to be assigned and shall be subject to the approval of the
4 Surgeon General. Officers of the medical department below the grade of lieu-
5 tenant colonel shall hold their respective offices for the term of five years from
6 date of their latest commissions, respectively, unless removed therefrom by
7 death, resignation or by action of a board of inquiry or court martial.

Sec. 3. Examinations of candidates for appointments, and of officers for
2 promotion to a higher grade in the medical department, shall be as prescribed
3 by the Surgeon General, subject to the approval of the Commander-in-Chief.

Sec. 4. The grade of captain, assistant surgeon, where prescribed for any
2 organization shall be an original appointment only in case there is no medical
3 officer of grade of captain already attached to the organization.

4 In case there are one or more medical officers of original grade of first
5 lieutenant, who have received the advanced grade on account of length of serv-
6 ice, as provided in sec. 9 of this article, then such vacancy in the organiza-
7 tion shall be in the junior grade only.

Sec. 5. The field hospital shall be organized under the supervision of
2 the chief surgeon of the division, and in conformity with like organizations in
3 the United States army.

4 The field hospital shall be attached for administrative purposes to divi-
5 sion headquarters, to which the major commanding shall make reports in the
6 same manner as do other commanding officers.

Sec. 6. All appointees in the medical corps and the medical reserve corps
2 shall be graduates of reputable medical schools.

Sec. 7. All officers of the medical corps and the medical reserve corps at
2 any station shall perform any medical duty, including examination for enlist-
3 ments for any or all troops at that station, irrespective of regiment or other

4 organization to which they may be assigned. as directed by the Surgeon
5 General.

Sec. 8. The medical corps shall consist of the Surgeon General, with
2 rank of colonel, and the following for assignment to duty as specified:

3 One deputy surgeon general, with rank of lieutenant colonel, chief surgeon
4 of the division.

5 Fifteen surgeons, majors: One for each brigade and regiment—one in com-
6 mand of the field hospital, one as medical inspector and chief sanitary officer
7 on the division staff, and one as secretary to the Surgeon General.

8 The following assistant surgeons: One captain for each regiment and sepa-
9 rate battalion, one as assistant to the chief surgeon of the division, one com-
10 manding ambulance company section, and one with the hospital section of the
11 field hospital; two lieutenants for each regiment, one for each separate battalion,
12 four for duty with the field hospital, and one with the signal corps company:
13 *Provided*, that no battery shall be without medical service, and that, if neces-
14 sary, an additional first lieutenant may be assigned to the artillery battalion at
15 the station of a detached battery.

Sec. 9. Medical officers of original grade of first lieutenant shall be en-
2 titled to promotion to the grade of captain after three years' service as first
3 lieutenants; such promotion, however, shall not increase the total number of
4 assistant surgeons herein authorized.

Sec. 10. Recommendations by commanding officers of regiments and sepa-
2 rate battalions for appointments of medical officers must be confined to per-
3 sons living at stations of troops of their respective commands.

Sec. 11. The hospital corps shall consist of such noncommissioned officers
2 and privates as may be allowed according to United States army regulations.
3 to different organizations.

Sec. 12. The members of the hospital corps shall be enlisted for, and permanently attached to, the medical department. Members of the hospital corps shall be enlisted under the direction of the senior surgeon of the division, brigade, regiment, separate battalion or company, or field hospital, to which they are to be attached for service, subject to such qualifications as the Surgeon General may prescribe. Sergeants, first class, and sergeants shall be appointed by the Surgeon General on the recommendation of the senior surgeon of division, brigade, regiment or other separate command: *Provided*, appointments as sergeants, first class, must follow service of at least one year as sergeant or hospital steward. Before appointment, sergeants, first class, and sergeants must pass such examination as shall be prescribed by the Surgeon General, and shall be furnished with warrants signed by the Surgeon General. The proportion of privates, first class, to privates shall not exceed two to one. To test the capacity of privates for the duties of noncommissioned officers, brigade surgeons may appoint lance corporals, who shall be obeyed and respected as corporals, but no detachment shall have more lance corporals at a time than enough to make the proportion of noncommissioned officers present for duty one to four privates.

Sec. 13. The hospital corps detachments of regiments and separate battalions shall be attached to regimental or battalion headquarters, unless otherwise directed by the regimental or other commander, and approved by the Surgeon General.

Sec. 14. The Medical Reserve Corps.

For the purpose of securing a reserve corps of competent medical officers available for military service either in the National Guard or in volunteer forces hereafter organized, and to provide examiners of recruits at points at which there is an organization of troops of the National Guard or the Naval

6 Reserve, but at which there is no medical officer, the Commander-in-Chief may
 7 appoint a sufficient number of assistant surgeons with rank of first lieutenants,
 8 not to exceed thirty. Appointments at such stations shall be on the recom-
 9 mendation of the local commander and the regimental commander, and the ap-
 10 pointees shall be subject to the same examinations and other conditions as are
 11 required for other medical officers of the same grade.

Sec. 15. When an officer of the medical corps attached for duty to a regi-
 2 ment or battalion shall cease to reside at a station of troops, he may be trans-
 3 ferred to the retired list, if he shall have served the requisite time, or trans-
 4 ferred to the medical reserve corps, with his existing rank, or be honorably
 5 mustered out of the service as may be recommended by the Surgeon General.

Sec. 16. Officers of the medical reserve corps shall be entitled, but not re-
 2 quired, to wear the uniform of their rank, with such distinguishing insignia as
 3 may be ordered by the Commander-in-Chief.

Sec. 17. No officer of the medical reserve corps shall be promoted while
 2 therein. If appointed to the medical corps he shall be subject to such examina-
 3 tions as the Surgeon General may prescribe in each case. Previous service
 4 in the medical reserve corps shall not count for seniority on transfer to the
 5 medical corps.

Sec. 18. The Naval Reserve shall have the following medical staff: One
 2 surgeon, with rank of lieutenant commander; four passed assistant surgeons or
 3 assistant surgeons; lieutenants and lieutenants, junior grade, respectively; two
 4 pharmacists; four hospital stewards; twenty-four hospital apprentices. Their
 5 appointment, relative rank, promotion and all other rights and obligations shall
 6 conform to the provisions herein governing the Illinois National Guard.

ARTICLE XII.

THE RETIRED LIST.

Section 1. Any commissioned officer who shall have served for a period of ten years (including service as an enlisted man) may, upon his own request, be placed on the retired list. If such officer shall have had twenty years service in the National Guard or Naval Reserve, or shall have rendered distinguished services therein, he shall be retired with the rank next higher than that held by him at the time of his retirement.

Sec. 2. Excepting in the case of the Adjutant General every commissioned officer of the National Guard or Naval Reserve shall be retired from active service and placed upon the retired list on reaching the age of sixty-four years. Every officer retired on account of reaching the age of sixty-four years shall be retired with the rank next higher than that held by him on the active list at the time of his retirement.

Sec. 3. Officers who may become disabled from wounds, injuries or illness, so as to be prevented from doing active service thereafter, shall, on recommendation of a retiring board of five officers, two of whom shall be medical officers, be placed upon the retired list. If such disability shall have been incurred directly in the line of duty such officer shall be retired with the rank next higher than that held by him at the time such disability was incurred.

Sec. 4. The Commander-in-Chief may appoint enlisted men and commission them, without examination, as second lieutenants or ensigns by brevet, upon the recommendation of their commanding officer, and place them upon the retired list at the same time, providing they have well served the State in the National Guard or Naval Reserve, or both combined, for a period of fifteen years.

Sec. 5. Officers on the retired list may, with their own consent, and with
 2 the approval of the Commander-in-Chief, be detailed for any duty that they
 3 may be able to perform. When on such duty they shall have the same status,
 4 in all respects, as officers of the same rank on the active list.

Sec. 6. A retired officer is eligible to re-enter active service subject to the
 2 same rules as to appointment, election and examination as provided for other
 3 officers, and when so re-entering the service he shall take the rank pertain-
 4 ing to the office to which he is appointed. Time served on the retired list,
 5 however, shall not be used in reckoning length of service for qualification in
 6 any office in the military or naval service where such qualification is
 7 prescribed.

ARTICLE XIII.

APPOINTMENTS, ELECTIONS AND COMMISSIONS.

Section 1. The Commander-in-Chief shall make all appointments to com-
 2 missioned rank in the National Guard and Naval Reserve, and commissions
 3 evidencing such appointments shall be signed by him and attested and issued
 4 by the Adjutant General.

5 He shall select the members of his personal staff, who shall hold office dur-
 6 ing his pleasure, and appoint the general officers of the National Guard. No
 7 person shall be appointed a general officer of the line unless he shall be serv-
 8 ing at the time of his appointment as an officer not below the grade of major
 9 of the line in the National Guard, and shall have previously served as an offi-
 10 cer in the National Guard for not less than seven years.

Sec. 2. Staff officers assigned to duty on the division, brigade and regi-
 2 mental staffs, and staff officers of regiments and battalions shall receive their

3 appointments on the recommendation of the commander on whose staff they are
4 to serve in each case, and shall hold office at the discretion of their respective
5 immediate commanders.

Sec. 3. No election of an officer nor recommendation for appointments of
2 officers of any grade in the National Guard or Naval Reserve shall take effect
3 without the approval of the Commander-in-Chief.

Sec. 4. Commissions to officers shall read to a certain grade in a given
2 regiment, separate battalion, or staff corps or department. Assignment to
3 staff, battalion or company duty shall be by order of the Commander-in-Chief.
4 The issue of all commissions shall be subject to formal acceptance and the oath
5 of office of the appointee to faithfully serve the State of Illinois and the United
6 States.

Sec. 5. Vacancies in grade of colonel, lieutenant colonel and major of the
2 line shall be filled by election; all company officers commissioned in the regi-
3 ment, or separate battalion, shall be entitled to vote.

Sec. 6. Vacancies among company officers shall be filled by election in the
2 company: *Provided, however,* that original appointments of officers in new
3 organizations may be made by the Commander-in-Chief upon the recommenda-
4 tions of intermediate commanders.

Sec. 7. All meetings for the election of officers shall be ordered by the
2 Commander-in-Chief. The order therefor shall be addressed to an officer of
3 National Guard or the Naval Reserve to preside at such meeting, who shall,
4 at least one week previous thereto, send a notice thereof, by mail or otherwise,
5 to each person entitled to a vote. If the officer designated to preside at such
6 meeting shall not appear thereat, the senior officer present shall preside. The

7 voting shall be by ballot and a majority of all votes cast shall be necessary
8 to elect.

Sec. 8. If there shall be a failure to fill any office at two meetings ordered
2 therefor, the Commander-in-Chief may fill the vacancy by direct appointment,
3 on recommendation of intermediate commanders.

Sec. 9. In company elections, except in new companies, no person shall
2 be permitted to vote unless he shall have been a duly enlisted member of
3 the company for not less than four months immediately preceding such
4 election.

Sec. 10. Previous to company elections, the company commander shall
2 cause to be conspicuously posted in an accessible place, for not less than one
3 week prior to any election, a list of electors qualified to vote for company offi-
4 cers as provided above, which shall be officially certified by the company com-
5 mander and handed to the officer presiding at such election

Sec. 11. No officer who is a candidate for an office shall preside at an
2 election to fill that office.

Sec. 12. No field officer of the line shall be commissioned in the National
2 Guard without prior military service of five or more years, at least three of
3 which shall have been in commissioned rank. The term "officer of the line"
4 shall be held to include all officers except those whose commissions read to a
5 staff corps or department, chaplains, and aids to the Commander-in-Chief ap-
6 pointed from civil life.

Sec. 13. All recommendations for appointments and reports of elections
2 shall be forwarded to the Adjutant General, through intermediate command-
3 ers, who will endorse thereon their approval or disapproval, in the latter case
4 giving their reasons.

Sec. 14. Officers of the Naval reserve, line and staff, shall be elected or
 2 appointed in the same manner as is provided for officers of the National
 3 Guard, according to their assimilated rank, or staff position.

Sec. 15. Except where otherwise specified herein, all officers hereafter
 2 elected or appointed shall hold their respective offices until they are vacated
 3 by death, resignation or retirement, or by acceptance of another commission in
 4 the State Military or Naval Reserve. or by sentence of a general court-martial
 5 or finding of a board of officers under Art. XIV, Sec. 8, hereof: *Provided, how-*
 6 *ever,* that no officer below the grade of lieutenant colonel shall be permitted
 7 to remain in service longer than five years without re-examination, both physi-
 8 cal and professional: *And, further provided,* that any commander having rea-
 9 son to believe that an officer of his command has become physically unfit for
 10 duty may require such officer to take a physical re-examination, though no offi-
 11 cer may be required to stand re-examination oftener than once a year.

Sec. 16. All appointments or promotions to grades below lieutenant colonel
 2 in National Guard or commander in Naval Reserve shall be contingent on pass-
 3 ing such examination, as may be prescribed in regulations or general orders
 4 by the Commander-in-Chief as suitable for the grade or arm of service to which
 5 such appointment or promotion is made.

ARTICLE XIV.

EXAMINATIONS.

Section 1. The Commander-in-Chief shall provide for examinations of can-
 2 didates for appointments in any grade, in any arm or staff corps or depart-
 3 ment, and adopt such system of examinations as may be most effective to
 4 insure uniform qualifications in such grades.

Sec. 2. The general scope of examinations shall be uniform for each
2 grade of the line and for each grade in the various staff departments respec-
3 tively, but may be modified from time to time as is found to be expedient. All
4 examinations shall include inquiry into the personal fitness of a candidate to
5 creditably fill the office sought.

Sec. 3. Each person who satisfactorily passes the examinations herein pro-
2 vided for shall be entitled to a certificate to that effect signed by the presid-
3 ing officer of the board, and the findings of such board shall be filed in the
4 Adjutant General's office.

Sec. 4. Certificates in any grade earned in advance shall hold good for
2 two years, except that a new physical examination shall be required for ap-
3 pointments made over six months after such examination.

Sec. 5. An officer or noncommissioned officer appointed or elected to a
2 higher grade, who has not already received a certificate from a duly consti-
3 tuted examining board, shall be examined as soon as practicable thereafter, but
4 shall have at least ten days' notice of the date and place of examination.

Sec. 6. Applicants appearing for examination pursuant to notification
2 shall be entitled to transportation and two days' camp pay of their grade,
3 whether they pass such examination or not.

Sec. 7. Any officer of the National Guard or Naval Reserve having under
2 his command an officer who, in his opinion, is undesirable as an officer, for
3 any reason other than for physical disability, may recommend, through mili-
4 tary channels, that such officer be ordered before a board of officers for in-
5 vestigation. Such recommendations shall fully and clearly state the facts and
6 reasons on which such opinion of undesirability is based.

Sec. 8. Whenever a recommendation is made pursuant to the provisions
 2 of the preceding section, and such recommendation is approved by superior
 3 commanders, it shall be the duty of the Commander-in-Chief to convene a
 4 board of not less than three nor more than five officers, at least one of whom
 5 shall be a medical officer, to examine into the matter of such recommendation
 6 and the desirability and qualifications of the officer who is the subject thereof,
 7 and report its findings to the Commander-in-Chief, through the Adjutant Gen-
 8 eral. If the said board finds such officer to be undesirable and such finding is
 9 approved by the Commander-in-Chief, then the commission of such officer shall
 10 be vacated.

ARTICLE XV.

ENLISTED MEN.

Section 1. Any able-bodied man of good character between the ages of 16
 2 and 45 years, who can read and write, and who is a citizen of the United
 3 States, or has declared his intention to become such, may be enlisted in the
 4 National Guard or Naval Reserve for a term of not less than three years.

Sec. 2. Chief and principal musicians, chief trumpeters and privates in
 2 bands, sergeants and privates of the hospital corps, post quartermaster and
 3 post commissary sergeants, and ordnance sergeants may be enlisted as such;
 4 the noncommissioned officers above shall not be reduced to the ranks, but may
 5 be discharged as in case of other enlisted men.

Sec. 3. No minor shall be enlisted without the written consent of his
 2 parent or guardian; if he have no parent or guardian, then upon the written
 3 consent of a judge of a court of record in the county in which he resides.

Sec. 4. A man who has been dishonorably discharged from any military
2 or naval organization of this State, or of the United States, or of any State,
3 territory or district of the United States, shall not be eligible for enlistment
4 or re-enlistment, unless such dishonorable discharge shall have been revoked by
5 competent authority.

Sec. 5. Men who have completed a full term of enlistment in the National
2 Guard or naval force of any state, territory or district of the United States,
3 or in the regular or volunteer forces of the United States, and have been honor-
4 ably discharged, may re-enlist at any subsequent time in the National Guard
5 or Naval Reserve for a term of three years, but at any time after one year,
6 if their service in such re-enlistment has been honest and faithful, such men shall
7 be honorably discharged, on their written application, except when on active
8 duty under the State or the United States, or when such duty, in the opinion
9 of the Commander-in-Chief seems imminent.

Sec. 6. Non-commissioned officers who re-enlist within 10 days following
2 their discharge may be re-enlisted in their respective grades, and their warrants
3 continued in effect as of their original dates.

Sec. 7. A man who is of the age of 45 years or upward and is physically
2 fit, who has served at least one full term of enlistment in the army or navy of
3 the United States or in the military or naval force of any state or territorial
4 district of the United States, and who has been honorably discharged, may be
5 enlisted or re-enlisted in the National Guard or Naval Reserve upon the ap-
6 proval of the commanding officer of the regiment, unassigned battalion or crew
7 in which he desires to be enrolled.

Sec. 8. All men enlisted in the State service are liable to be called into
2 the service of the United States by the President thereof, in case of war or
3 insurrection, and are bound to faithfully serve out the unexpired portions of

4 their enlistments unless sooner discharged or released by the United States,
5 and while so serving are subject to the military laws and regulations of the
6 United States.

Sec. 9. Every person who enlists or re-enlists in the National Guard or
2 Naval Reserve shall sign an enlistment paper in form prescribed by the
3 Adjutant General, and take the following oath or affirmation, which may be
4 administered by any commissioned officer: "I do solemnly swear (or affirm)
5 that I will bear true allegiance to the United States and the State of Illinois,
6 that I will support the constitutions thereof and serve them faithfully for a
7 term of three years from the date hereof, unless sooner discharged; that I will
8 obey the orders of the Commander-in-Chief in either case, and of such officers
9 as may be placed over me in either case, and the laws and regulations govern-
10 ing the military (or naval) forces of the State, and of the United States, so
11 help me God."

Sec. 10. Enlisted men may be transferred on their own application from
2 one organization to another by the common commander of both organizations,
3 subject to approval of the immediate commander of each.

4 An enlisted man removing from the station of his company or division to
5 that of another company or division may be transferred to the latter by the
6 Commander-in-Chief, and required to complete his enlistment therein.

Sec. 11. An enlisted man who shall remove his residence to such distance
2 from the armory of his organization as to render it impracticable for him to
3 perform his military duties properly, or who absents himself from four suc-
4 cessive drills without leave from his commanding officer, shall be dropped from
5 the roll of his company, or other organization, by his commanding officer; if
6 any man remains absent without leave from his company or other organiza-
7 tion for a period of two months, he shall be reported as a deserter.

Sec. 12. An enlisted man dropped on account of removal under section 11 hereof, may be taken up in his former or any other organization within two years after such dropping, first obtaining, in the latter case, written permission of his former commanding officer. An enlisted man so taken up after being dropped shall receive credit for the time served in his unexpired enlistment.

Sec. 13. The officer warranting a non-commissioned or petty officer shall have power to reduce him to the ranks for good and sufficient reasons.

Sec. 14. Each enlisted man leaving the service for any authorized reason shall receive a formal discharge paper signed by the commander of the regiment, independent battalion or company to which he belongs, or by the commanding officer of the Naval Reserve, or if attached to the staff of a general officer, then by that officer.

Discharges from the State service shall be given to an enlisted man for the following reasons: 1. Expiration of service. 2. Upon the man's application, approved by the Commander-in-Chief. 3. Upon application of a man's immediate commander, for the good of the service, approved by the Commander-in-Chief. 4. By sentence of a court-martial, approved by the officer convening the court. 5. Upon conviction of a felony by a civil court.

Sec. 15. Discharges shall be either "honorable," "dishonorable," or "without honor."

a. Honorable discharges shall be given to men whose service has been honest and faithful, and to whom a character of "good," or better, has been given by their respective immediate commanders.

b. Dishonorable discharges shall be given to men by sentence of a general court martial, and to men who have been convicted of a felony by a civil court.

9 c. Discharges without honor shall be given to men whose service has not
10 been honest and faithful. In each case, the man shall be given sufficient notice,
11 and an opportunity to make a defense, in such manner as shall be provided
12 in the regulations. Men so discharged shall not be permitted to re-enlist ex-
13 cept by order of the Commander-in-Chief.

Sec. 16. Men who may be hereafter dishonorably discharged under the
2 provisions of this Act shall be ineligible to hold any elective or appointive office,
3 position or employment in the service of the State of Illinois, or any municipa-
4 lity thereof, for a period of five years, unless such disability be removed by the
5 Governor.

ARTICLE XVI.

PAY AND ALLOWANCES.

Section 1. The Adjutant General, in his capacity as Paymaster General,
2 is charged with all disbursements of pay and allowances for service of troops.

Sec. 2. The Adjutant General shall receive \$5,000 per year.

2 The adjutant general who is the chief assistant to the Adjutant General,
3 and the assistant quartermaster general, shall each receive \$3,500 per year;
4 the captain and assistant quartermaster in charge of the State arsenal shall
5 receive \$1,500 per year.

Sec. 3. When in actual service of the State, under orders of the Com-
2 mander-in-Chief, officers of the National Guard and the Naval Reserve, except
3 officers on permanent duty and receiving a regular salary, shall receive the
4 same pay as provided by law for officers of the United States army and navy
5 of like grade, including longevity pay. Chief musicians and veterinarians shall
6 receive the pay of like grades in the United States service.

Sec. 4. Enlisted men of the National Guard and Naval Reserve shall receive per day, for services actually performed when on active service for suppression of riot and for the enforcement of the laws, according to their respective grades as follows:

a. Sergeants major, quartermaster, commissary and ordnance sergeants, of or attached to the division, brigades, regiments or separate battalions; first class signal and hospital corps sergeants, chief trumpeters and principal musicians, first sergeants and company quartermaster sergeants, drum majors and color sergeants in the National Guard, and chief petty officers and petty officers, first class, in the seaman branch of the Naval Reserve, \$2.75.

b. Battalion sergeants major and trumpeter sergeants, chief mechanics of batteries, sergeants of the hospital and signal corps, and of the line in the National Guard, petty officers, first class, except in the seaman branch, and petty officers, second class, in the Naval Reserve, \$2.60.

c. Corporals, cooks, musicians and mechanics in the National Guard and petty officers, third class, and buglers, in the Naval Reserve, \$2.25.

d. Privates and seamen, all grades, \$2.00.

Sec. 5. For each day's service at any encampment, practice march, field maneuver or cruise or other necessary military duty not specified in the preceding section, ordered by the Commander-in-Chief, enlisted men shall receive one dollar (\$1.00).

Sec. 6. Transportation and subsistence for all officers and men on duty under sections 3, 4 and 5 of this article shall be furnished by the State.

Sec. 7. The Commander-in-Chief may put officers on necessary military duty, with their consent in each case, at less rates than given in sections 3 and 4.

Sec. 8. Necessary horses for use of officers and enlisted men whose duty
 2 requires them to be mounted, shall be obtained and furnished by the quarter-
 3 master general, with the approval of the Commander-in-Chief, by direct hire,
 4 or by money allowance to commands or individuals, or otherwise, as may be
 5 most economical in any case. The State shall provide a reasonable allowance
 6 for mounts required for Memorial Day parades.

Sec. 9. When officers or enlisted men of the National Guard and Naval
 2 Reserve are on duty at camps of instruction, field maneuvers or cruises, held
 3 pursuant to orders of the War Department (and receive pay and allowances
 4 from the United States for such duty) they shall receive from the State of
 5 Illinois the difference between such pay and allowances and those provided
 6 for like duty in sections 3, 5 and 6 of this article.

Sec. 10. Any officer or enlisted man of the National Guard or Naval Re-
 2 serve who may be wounded or disabled in any way, while on duty and lawfully
 3 performing the same, so as to prevent his working at his profession, trade
 4 or other occupation from which he gains his living, shall be entitled to be
 5 treated by an officer of the medical department detailed by the surgeon gen-
 6 eral, and to draw one-half his active service pay, as specified in sections 3 and
 7 4 of this article, for not to exceed thirty days of such disability. on the cer-
 8 tificate of the attending medical officer; if still disabled at the end of thirty
 9 days, he shall be entitled to draw pay at the same rate for such period as a
 10 board of three medical officers, duly convened by order of the Commander-
 11 in-Chief, may determine to be right and just, but not to exceed six months,
 12 unless approved by the State Court of Claims.

Sec. 11. In every case where an officer or enlisted man of the National
 2 Guard or Naval Reserve shall be injured, wounded or killed while perform-
 3 ing his duty as an officer or enlisted man in pursuance of orders from the

4 Commander-in-Chief, said officer or enlisted man, or his heirs or dependents,
 5 shall have a claim against the State for financial help or assistance, and the
 6 State Court of Claims shall act on and adjust the same as the merits of each
 7 case may demand. Pending action of the court of claims, the Commander-
 8 in-Chief is authorized to relieve emergency needs upon recommendation of a
 9 board of three officers, one of whom shall be an officer of the medical depart-
 10 ment.

Sec 12. Officers of the medical department who attend cases of injury or
 2 illness incurred in the line of duty under sections 10 and 11 of this article shall
 3 be entitled to such reasonable compensation in each case as the circumstances
 4 may warrant, as approved by the Surgeon General and the Commander-in-
 5 Chief.

Sec. 13. Necessary hospital charges incurred in cases stated in sections
 2 10 and 11, and for beds in open or general wards, shall be paid by the State
 3 on proper vouchers made out by the attending medical officer, approved by the
 4 Surgeon General.

Sec. 14. All payments under sections 10, 11, 12 and 13 of this article shall
 2 be made from the military emergency fund, on proper proofs and vouchers
 3 being submitted.

ARTICLE XVII.

UNIFORMS, ARMS AND OTHER PUBLIC PROPERTY.

Section 1. The uniform of the National Guard and Naval Reserve shall
 2 be the same as those of the United States army and navy, respectively, except
 3 that they shall be clearly distinguished therefrom by the letters, "Ill." worn
 4 on the coat collars or otherwise, as directed by the Commander-in-Chief.

Sec. 2. No uniforms, arms, equipment or other articles of public property
 2 may be loaned or issued to any one, except as provided by law and regulations,
 3 nor removed from the armory of any command to which they have been issued,
 4 or other authorized place of storage, except for use in active or other service,
 5 authorized by the Commander-in-Chief.

Sec. 3. Under such regulations as he may prescribe, the Commander-in-
 2 Chief may authorize the issue to officers for use on military duty only, of such
 3 arms and equipments as may be on hand.

Sec. 4. The Commander-in-Chief may require that a bond in a suitable
 2 amount, payable to the People of the State of Illinois, shall be given by an
 3 approved surety company for any officer accountable for public property, for
 4 its proper care and use as provided herein or by regulations, and for its return
 5 upon demand of competent authority in good order and condition, fair wear and
 6 tear and unavoidable loss excepted, subject to the recommendation of a sur-
 7 veying officer, approved by the Commander-in-Chief. The charges and ex-
 8 pense of all bonds provided for in this Act shall be paid by the State.

Sec. 5. Subject to the approval of the Commander-in-Chief, the quartermas-
 2 ter general is authorized to purchase such uniforms and other equipment for
 3 officers as may be necessary from time to time, from the United States Gov-
 4 ernment under provision of law, and to sell the same for cash to officers of
 5 the National Guard or Naval Reserve for their use in the military service, at
 6 the net delivered cost to the State.

Sec. 6. All officers to whom military or naval property of the State or
 2 of the United States may be intrusted, shall be pecuniarily responsible there-
 3 for, under such regulations as may be prescribed by the Commander-in-Chief.

Sec. 7. Articles of clothing, equipment or other property issued to offi-
 2 cers or enlisted men and not accounted for, shall be charged against the per-

son accountable at the official cost prices, unless he is relieved or responsibility therefor by a board of survey or survey officer.

Sec. 8. In case of loss of, or damage to, public property, a survey shall be ordered, under such regulations as may be prescribed by the Commander-in-Chief, to determine the responsibility for such loss or damage, and no officer shall be relieved from either accountability or responsibility for such property, except on the recommendation of a disinterested surveying officer, or board, duly detailed to investigate such loss or damage.

All property or stores found unserviceable by such survey shall be disposed of in the manner prescribed by the U. S. Army and Navy regulations.

ARTICLE XVIII.

ARMORIES AND RIFLE RANGES.

Section 1. No military or naval organization shall be maintained by the State at any station, town, or city, unless there be there an available and suitable hall for drills, together with necessary and adequate company assembly rooms, store and locker and other rooms as may be required by the Commander-in-Chief.

Sec. 2. Armories of the naval force shall be situated immediately on or near navigable waters of the State, in such position as best to promote the efficiency of the service. The word "armory," as used in any part of this Act when applied to the naval force, shall be held to include vessel, boat-house or dock, used as an armory or for the purpose of instruction, drill and defense.

Sec. 3. The armory of each regiment, battalion, company, ship's crew or division shall be subject to the order of the Adjutant General and be under

3 the charge of its commanding officer, who shall keep therein all property fur-
 4 nished by the State; no company or division shall be furnished with arms
 5 or equipment until a suitable armory shall be provided for their deposit.

Sec. 4. All target ranges belonging to or leased by the State shall be ad-
 2 ministered by the Adjutant General. Gallery ranges shall be maintained at
 3 all armories occupied by State troops, and every command shall be given
 4 suitable instruction in marksmanship under direction of the division com-
 5 mander, and regulations as authorized by the Commander-in-Chief.

Sec. 5. Such number of officers as may be needed shall be detailed for
 2 duty as range officers and for administration work at rifle ranges during the
 3 season of small arms practice, as approved in each case by the Commander-in-
 4 Chief.

Sec. 6. The Commander-in-Chief may institute a post organization and
 2 administration at any rifle range or station, as may be for the best interests
 3 of the service.

ARTICLE XIX.

PARADES, DRILLS AND FIELD SERVICE.

Section 1. With the approval of the Commander-in-Chief, the major gen-
 2 eral commanding the National Guard and the captain commanding the Naval
 3 Reserve shall regulate the number and character of drills and exercises for
 4 organizations of their respective commands while at their home stations, and
 5 shall issue necessary general orders therefor: *Provided*, that there shall not
 6 be less than forty drills at home stations each year.

Sec. 2. The Commander-in-Chief may order a tour of camp or field duty
 2 for the National Guard, or camp or cruise for ship's crew or divisions of

3 the Naval Reserve of not less than eight nor more than twelve days annually,
4 and may extend the time of such tours a greater number of days than twelve
5 without expense to the State for pay and subsistence for such number of days
6 exceeding twelve.

Sec. 3. The commanding officer of any encampment or parade may cause
2 those under his command to perform any field or camp duty he shall require,
3 and may put under arrest during such encampment or parade, any member of
4 his command who shall disobey a superior officer or be guilty of disorderly or
5 unmilitary conduct, and any other person who shall trespass on the parade
6 or encampment ground, or in any way interrupt or molest the orderly dis-
7 charge of duty by the members of his command and expel him from the limits
8 of the camp or confine him under guard if he deems it necessary, and he may
9 prohibit the sale of all spirituous or malt liquors within one mile of such
10 encampment, and maintain such prohibition by force, if necessary: *Provided,*
11 *however,* that nothing herein contained shall be construed to interfere with the
12 regular business of any liquor dealer whose place of business shall have been
13 located within the limits named before the beginning of said encampment.

Sec. 4. If any person shall molest, interrupt or insult, by abusive words
2 or behavior or shall obstruct any officer or soldier or seaman while on duty
3 at any parade or drill, he may be put immediately under guard, and kept, at
4 the discretion of the commanding officer, until the duty, parade or drill is con-
5 cluded, and such commanding officer may turn over such person to any sheriff,
6 or to a police officer or constable of a county, city or town wherein such duty,
7 parade or drill is held, to be dealt with as the law directs.

ARTICLE XX.

MILITARY OFFENSES.

Section 1. Every officer who knowingly enlists or musters into the military or naval service of the State of Illinois any minor over the age of 16 years without the written consent, provided for in Sec. 3, Art. XV hereof, or any minor under the age of 16 years, or any person who is disqualified to enlist under this Act, may be punished as a court martial shall direct.

Sec. 2 Any officer or enlisted man in the military or naval service of the State who knowingly makes any false certificates or return to any superior officer authorized to call for such certificate or return, as to the state of his command, or as to the quartermaster, subsistence or ordnance stores to it issued, or any officer who knowingly musters any officer or enlisted man by other than his proper name, or who permits any officer or enlisted man to substitute or sign another name than his own, or who enters the name of any man not duly or lawfully commissioned or enlisted on the muster or pay-roll of the State of Illinois, or of the United States, or who certifies falsely as to any actual duty performed or amounts due, or who in any other way makes or permits any false muster or return, or who, having drawn money from the State for public use, shall apply the same or any part thereof to any use not duly authorized, may be punished as a court martial shall direct.

Sec. 3. Any officer or enlisted man who wilfully or through neglect suffers to be lost, spoiled or damaged any quartermaster, subsistence or ordnance stores for which he is responsible or accountable, or who secretes, sells or pawns, or attempts to secrete, sell or pawn, any such stores or any other military property of the State of Illinois, or by it issued, may be punished as a court martial shall direct.

Sec. 4. Any officer or enlisted man who behaves himself with disrespect
 2 toward his superior while in the line of his duty, may be punished as a court
 3 martial shall direct.

Sec. 5. Any officer or enlisted man, who, on any pretense whatsoever
 2 strikes his superior or offers any violence against him, being in the execution
 3 of his office, or disobeys any lawful command of his superior, may be punished
 4 as a court martial shall direct.

Sec. 6. Any officer or enlisted man, not on leave of absence or furlough,
 2 who shall fail to report at any formation of his organization, may be punished
 3 as a court martial shall direct.

Sec. 7. Any officer who is guilty of conduct unbecoming an officer and a
 2 gentleman, may be punished as a court martial shall direct.

Sec. 8. Any officer or enlisted man who shall be guilty of any disorder
 2 or neglect or of other conduct prejudicial to good order and military discipline,
 3 whether mentioned or not in the foregoing sections, may be punished as a court
 4 martial shall direct.

Sec. 9. Any officer or enlisted man who wilfully absents himself for a con-
 2 tinuous period of two months from the drills or other formations of his organ-
 3 ization, except in time of public disorder or danger, as hereinafter defined, shall
 4 be deemed guilty of desertion and may be punished as a court martial shall
 5 direct.

Sec. 10. Any officer or enlisted man who wilfully fails or refuses to report
 2 with his organization or quits the same without due authority, when the same
 3 shall be called into the active service of the State of Illinois in time of public
 4 disorder or danger as hereinafter defined, shall be deemed guilty of desertion
 5 and may be punished as a court martial shall direct.

Sec. 11. Any officer or enlisted man who, while in the active service of the
 2 State of Illinois, in time of public disorder or danger, as hereinafter defined,

3 shall commit larceny, robbery, burglary, arson, mayhem, manslaughter, murder, rape, assault and battery, or assault and battery with intent to commit
 4 rape, assault and battery with intent to kill, or wounding by shooting or stabbing with intent to commit murder, may be punished as a court martial shall
 5 direct. Should any member of the National Guard or Naval Reserve of Illinois, either an enlisted man or commissioned officer, while in the discharge of
 6 his duty on active service in pursuance of orders from a superior authority, take life or injure any person or persons or property in such discharge of his
 7 duty, the act or acts upon the part of such enlisted man or commissioned officer shall be deemed to be justifiable and lawful and he shall not be prosecuted
 8 therefor in any court or incur any civil liability by reason thereof.

ARTICLE XXI.

COURTS MARTIAL.

Section 1. Orders convening a general court martial may be issued by
 2 the Commander-in-Chief, or by the division commander within his own command. Such orders shall name the members of such court, which court shall
 3 consist of from five to thirteen commissioned officers.

Sec 2. Only a general court martial shall be competent to try a commissioned officer, or a warrant officer of the Naval Reserve. When it can be
 2 avoided, no officer shall be tried by officers inferior to him in rank, and in no
 3 event by officers inferior to him in rank belonging to his own regiment, separate
 4 battalion or corps.

Sec. 3. The commanding officer of the division, or any brigade, regiment,
 2 unassigned battalion, ship's crew or detached company or other independent
 3 organization, or post, may appoint a summary court martial, to consist of one

4 commissioned officer of his command for the trial of enlisted men of his com-
5 mand.

Sec. 4. A general court martial shall have authority and jurisdiction to
2 try officers and enlisted men for any of the offenses enumerated in article XX
3 of this Act.

4 Upon the conviction by a general court martial of any officer or enlisted
5 man of any of the offenses enumerated in sections 1 to 9, both inclusive, of
6 article XX of this Act, such general court martial may impose one or more
7 of the following punishments: Cashiering and dismissal of officers, reduction
8 of non-commissioned officers to the ranks, reprimand, dishonorable discharge
9 in the case of enlisted men, fine not exceeding one hundred dollars, imprison-
10 ment not exceeding thirty days in a military guard house or in the county jail
11 of the county in which the immediate organization of the accused is perma-
12 nently located, or both such fine and imprisonment.

Sec. 5. Upon conviction by general court martial of any officer or enlisted
2 man for the offense of desertion as defined in section 10 of article XX of this
3 Act, such general court martial shall dismiss or dishonorably discharge the
4 offender from the service, and shall have the power and jurisdiction to impose
5 a fine of not exceeding \$500 or imprisonment in a military guard house or in
6 the county jail of the county in which the immediate organization of the ac-
7 cused is permanently located for not exceeding six months, or both such fine
8 and imprisonment.

Sec. 6. A general court martial ordered to try an officer or an enlisted
2 man for any of the offenses enumerated in section 11 of article XX of this Act,
3 shall be a full court of thirteen members, and, in case of conviction, such gen-
4 eral court shall impose a sentence upon the accused of the same kind and degree

5 as is provided by the criminal code of the State of Illinois for the like offense
6 in each case.

Sec. 7. In any trial under the preceding section, (sec. 6) the State's at-
2 torney of the county where the offense is alleged to have been committed, or
3 his representative, shall have the same right to be present at all sessions of
4 any such court martial as the judge advocate of the court, and to produce evi-
5 dence and to examine and cross examine all witnesses.

Sec. 8. A summary court martial shall have authority and jurisdiction to
2 try enlisted men for any minor offenses enumerated in sections 1 to 8, both in-
3 clusive, of article XX of this Act. Such summary court martial may, upon
4 conviction, impose one or more of the following punishments: Reprimand, for-
5 feiture of whole or part of pay, fine not exceeding \$5.00, or in default of pay-
6 ment after approval, imprisonment not exceeding five days in a military guard
7 house, or in the county jail of the county in which the immediate organization
8 of the accused is permanently located.

Sec. 9. All proceedings by court martial shall be conducted in the same
2 manner and by the same rules and methods of procedure, as nearly as may be,
3 as are prescribed for courts martial in the United States army. In such trials
4 by general courts martial the accused shall be entitled to be represented by
5 counsel by him employed, or by a suitable officer of the Illinois National Guard
6 or Naval Reserve, to be designated by said court, or detailed by the officer con-
7 vening the same, at the request of the accused.

Sec. 10. All proceedings of courts martial shall be forwarded to and re-
2 ceive approval of the officer ordering the same before sentence shall go into
3 effect; and such officer may remit, mitigate or commute such sentence. No
4 sentence of dismissal of an officer, or which includes a fine of more than \$100,

5 or imprisonment for more than thirty days, should take effect without the ap-
6 proval of the Commander-in-Chief.

Sec. 11. Witnesses for the prosecution or defense may be summoned to
2 attend by subpoena signed by the judge advocate. Any witness, duly sum-
3 moned, who shall fail to appear and testify, may be arrested on warrant of
4 the president of the court, directed to the sheriff or any constable, and treated
5 as in like cases before civil courts. The fees of all witnesses not in the mili-
6 tary service of the State shall be the same as allowed in civil cases, and shall
7 be added to the necessary expenses of the judge advocate and the court, by
8 the president thereof. The Auditor of Public Accounts is hereby authorized and
9 directed to issue his warrant for the payment of the above fees and expenses,
10 the same to be certified to by the Adjutant General and approved by the Com-
11 mander-in-Chief. All such sums so certified and approved shall be payable
12 from the appropriation made for ordinary and contingent expenses of the Illi-
13 nois National Guard. The warrant shall be made payable to the judge advo-
14 cate, who shall pay all the expenses of the trial from the proceeds thereof.

Sec. 12. All or any fines assessed by general or summary courts martial
2 may be charged against any drill or field service or other credit due to the per-
3 son so fined, so far as such credit suffices to pay the same, and any balance
4 still due may be collected as in section 13 of this article.

Sec. 13. Whenever the sentence of a general court martial shall include a
2 fine, and such sentence shall have been approved by the officer ordering such
3 court the Adjutant General shall issue a warrant for the collection of such fines,
4 directed to the sheriff or any constable of the county wherein the person
5 against whom such fine is imposed resides, and such officer shall collect such
6 fine in the same manner as he is authorized to collect debts in civil suits, and
7 he shall make return within twenty days after receiving the same to the Adju-

8 tant General. In default of the payment of such fine, or if the officer execut-
 9 ing such warrant shall certify that there is no property of the defendant out of
 10 which to satisfy such warrant, the Adjutant General shall issue a warrant of
 11 commitment, directed to such sheriff or constable, who shall forthwith take the
 12 body of such delinquent, convey him to the common jail of such county and
 13 make return thereof to the Adjutant General.

14 Such warrant of commitment for such default shall specify the amount in
 15 dollars of the said fine, and such delinquent shall remain in the custody of the
 16 keeper or warden of such common jail the same number of days as there are
 17 dollars of said fine unpaid.

18 Warrants for the collections of fines imposed by summary courts, and war-
 19 rants for commitment for non-payment thereof, shall be issued by the officer
 20 appointing such summary court.

Sec. 14. Whenever the sentence of a general court martial shall be or in-
 2 clude imprisonment in a county jail, or in a State penitentiary, and such sen-
 3 tence shall have been approved by the officer ordering such court, the Adjutant
 4 General shall issue a warrant of commitment, directed to the sheriff of
 5 county wherein the defendant resides, who shall forthwith take the body of
 6 such defendant, convey him to the county jail or State penitentiary mentioned
 7 in said warrant, and make return thereof to the Adjutant General.

8 All such warrants of commitment shall be accompanied by a copy of the
 9 finding of such court, as approved by the officer ordering the same, certified
 10 as a true copy by the Adjutant General, and the same shall be sufficient author-
 11 ity to the sheriff of the county or the warden of the penitentiary to imprison
 12 such convicted person.

13 If such sentence shall be, or include imprisonment in a military guard
 14 house, such sentence shall be executed by order of the officer approving such
 15 sentence.

Sec. 15. It shall be the duty of the keepers and wardens of all county jails
2 to receive and confine all military offenders, when delivered by such sheriff or
3 constable, under such warrant or commitment, for and during the term of sen-
4 tence set forth in such commitment, or for an equal number of days as there are
5 dollars in any fine so defaulted in payment.

Sec. 16. All fines levied and collected under the provisions of this article
2 shall be paid to the Treasurer of the State, who shall credit the same to the
3 military fund of the State.

Sec. 17. For each day's duty, as a member of a general court martial, or
2 as a witness or a defendant under summons from the president or judge advo-
3 cate of a court martial, officers and men shall be paid as provided in sections
4 3 and 5 of article XVI hereof.

Sec. 18. Judge advocates or general courts martial and summary court
2 officers are empowered to administer oaths to witnesses before such courts and
3 to take such depositions as may be required for use in military trials. Such offi-
4 cers and all adjutants are empowered to take acknowledgments and oaths to
5 affidavits pertaining to the loss or damage to property, to applications for
6 discharge, and in general to any military documents or business which would
7 otherwise require the action of a civil officer authorized by law to take acknowl-
8 edgments. Such oaths, affidavits and acknowledgments shall have the same
9 legal force and effect as if taken by a civil officer now authorized by law to
10 take acknowledgments. Depositions of witnesses residing outside the State of
11 Illinois may be taken before any civil officer authorized by law to take the same,
12 upon reasonable notice given. Such depositions may be either upon oral or
13 written interrogatories.

14 Oaths of office to any military or naval office in the service of this State
15 may be administered by any commissioned officer thereof.

16 The presiding officer, or recorder, of any military board duly appointed
17 to conduct any investigation or survey, or an officer detailed for such purpose
18 may likewise administer oaths to any witness attending to testify in such in-
19 vestigation.

ARTICLE XXII.

MOBS, RIOTS AND DISTURBANCES.

Section 1. Whenever there is in any city, town or county a tumult, riot, mob
2 or body of men acting together by force with attempt to commit a felony, or
3 to offer violence to persons or property, or by force or violence to break or
4 resist the laws of the State, or when such tumult, riot or mob is threatened
5 it shall be deemed that a time of public disorder and danger exists, and it shall
6 be the duty of the Governor thereupon to order such military or naval force as
7 he may deem necessary, to aid the civil authorities in suppressing such violence
8 and executing the law.

Sec. 2. Whenever any military or naval force shall be so ordered out by the
2 Commander-in-Chief, the commanding officer thereof may arrest any person or
3 persons in view without process and hold them in custody until, by order of the
4 Commander-in-Chief, such person or persons shall be discharged from custody
5 or delivered over to the civil authorities. Such commanding officer may also
6 use such force as he may deem necessary to suppress riots, disperse mobs, re-
7 store peace and execute the law.

Sec. 3. Orders from civil officers to any military or naval commander shall
2 specify only the work to be done or result to be attained, and shall not include
3 the method to be employed, as to which the military or naval officer shall exer-
4 cise his discretion and be the sole judge as to what means are necessary.

Sec. 4. Whenever twelve or more persons, any of them armed with clubs
2 or dangerous weapons, or thirty or more, armed or unarmed are unlawfully,
3 riotously or tumultuously assembled in any city, village or town, it shall be the
4 duty of each of the municipal officers, constables and justices of the peace, and
5 of the sheriff of the county and his deputies, and of the commanding officer of
6 such military force as may be present on duty, or any or either of them, to go
7 among the persons so assembled, or as near them as safety will permit, and in
8 the name of the State demand them immediately to disperse; and if they do not
9 obey, every person refusing to disperse shall be deemed one of such unlaw-
10 ful assembly, and shall be fined not exceeding \$500 and confined in the county
11 jail not exceeding one year; and each officer having notice of such unlawful as-
12 sembly and refusing or neglecting to do his duty in relation thereto, as afore-
13 said, shall be fined not exceeding \$200.

14 When persons so unlawfully assembled neglect or refuse, on command, as
15 aforesaid, to disperse, it shall be the duty of each of the above municipal or
16 military authorities, or either of them, to forthwith suppress such assembly
17 and disperse the persons composing it, in such manner as may be most
18 expedient.

19 If in the efforts made as aforesaid to suppress such assembly, and to arrest
20 and secure the persons composing it who neglect or refuse to disperse, though
21 the number remaining be less than twelve, any such persons, or any persons,
22 present as spectators or otherwise, are killed or wounded, said magistrates,
23 officers, military force, and persons acting with them or by their order, each and
24 all of them, shall be held guiltless of any crime, and justified in law.

Sec. 5. It shall be unlawful for any person to assault or fire upon, throw
2 any missile at, against or upon any member or body of the National Guard or
3 Naval Reserve, or civil officer or other person lawfully aiding them, when go-
4 ing to, returning from or performing any duty under the provisions of this

5 article, and any person so offending shall be guilty of a felony, and may on con-
6 viction be imprisoned in the penitentiary for not less than two nor more than
7 five years.

Sec. 6. If any portion of the National Guard or Naval Reserve, or per-
2 son lawfully aiding them in the performance of any duty are assailed, assaulted,
3 attacked, or in imminent danger thereof, the commanding officer of such National
4 Guard or Naval Reserve may at once proceed to quell such attack and disperse
5 the attacking parties, and take all other steps for the safety of his command that
6 he may deem necessary.

Sec. 7. If any member of the National Guard or Naval Reserve in the per-
2 formance of his military duty, or in pursuance thereof, and while acting in his
3 capacity as a member of the National Guard or Naval Reserve, shall kill,
4 wound, maim or injure any person, or shall cause, order or direct the killing,
5 wounding, maiming or injuring of any person, or the injury, destruction or
6 confiscation of any property, real or personal, it shall be the duty of the officer
7 commanding the military force of which such member is a part, as soon as pos-
8 sible thereafter, to convene a board of inquiry, to consist of not less than two
9 nor more than five commissioned officers of the military or naval force, who
10 shall examine and inquire into the facts in connection therewith, or in relation
11 to the act or acts to be inquired of, and take the substance of the proof or evi-
12 dence of the witnesses to, and participants in, such act or acts down in writing,
13 and transmit the same, together with their findings and conclusions from the facts
14 adduced before said board to the Adjutant General through military channels.

15 The findings of said board shall include one of the following recommenda-
16 tions, to-wit: That the officer or enlisted man under investigation be brought
17 to trial before a general court martial, or that he be wholly exonerated and ac-
18 quitted of responsibility for his said acts, or that he be turned over to the
19 civil authorities to be dealt with as the law directs.

20 The officer commanding said military force may cause the arrest of any
 21 member of the National Guard or Naval Reserve so killing, wounding or injur-
 22 ing any person or persons, or of the officer, or the non-commissioned, petty
 23 or warrant officer directly responsible therefor, by reason of order given by
 24 him in the execution of his military duty, or otherwise, and hold him in arrest
 25 until he shall be discharged by competent authority.

Sec. 8. If any member of the National Guard or Naval Reserve shall be
 2 prosecuted by civil or criminal action for any act performed or committed by
 3 such member, or any act caused, ordered or directed by such member to be done
 4 or performed in furtherance of and while in the performance of his military
 5 duty, all the expense of the defense of such action or actions, civil or criminal,
 6 including attorney's fees, witness' fees for the defense, defendant's court
 7 costs, and all costs for transcripts of records and abstracts thereof on appeal
 8 by the defense, shall be paid by the State: *Provided*, that the Attorney General
 9 of the State shall be first consulted in regard to, and approve, of the selection
 10 of the attorney for the defense: *And, provided, further*, that the Attorney
 11 General of the State may, if he see fit, assume the responsibility for the defense
 12 of such member and conduct the same personally or by any one or more of his
 13 assistants.

Sec. 9. The expense of such defense, as provided for in the preceding
 2 section, shall be paid by the Adjutant General out of the military emergency
 3 or other military fund of the State, upon vouchers and bills approved by the
 4 Attorney General.

ARTICLE XXIII.

GENERAL PROVISIONS.

Section 1. No part of the land or naval forces shall leave the State with
 2 arms and equipments without the consent of the Commander-in-Chief.

Sec. 2. It shall not be lawful for any body of men other than the regularly
2 organized volunteer militia of this State, troops of the United States, Grand
3 Army posts, camps of the Sons of Veterans or organizations of ex-soldiers of
4 the Spanish-American war or Philippine insurrection to associate themselves
5 together as a military company or organization, to drill or parade with arms
6 in this State, except as hereinafter authorized: *Provided*, that by and with the
7 consent of the Governor, independent regiments, battalions or companies, or-
8 ganized for the purpose of recreation or to acquire military knowledge that
9 may better enable them to serve the State in time of public peril, if such should
10 arise, may associate themselves together as a military body or organization and
11 may drill or parade with arms in public in this State: *Provided, further*, that
12 students of educational institutions, where military drill is a part of the course
13 of instructions, may, with the consent of the Governor, drill and parade with,
14 arms in public under command of their military instructor: *Provided*, that
15 nothing herein contained shall be construed so as to prevent benevolent or
16 social organizations from wearing swords. All military organizations in and
17 by this section permitted to drill and parade with arms, shall, on occasions of
18 public parade, be required to carry the United States flag in addition to any
19 private ensign which they may carry: *Provided*, that the consent herein speci-
20 fied may be withdrawn at the pleasure of the Governor.

Sec. 3. Whoever offends against the provisions of the preceding section
2 or belongs to, or parades with, any such unauthorized body of men with arms
3 shall be punished by a fine not exceeding the sum of one hundred dollars
4 (\$100), or by imprisonment in the common jail for a term not exceeding six
5 months, or both.

Sec. 4. A person who, either by himself or with another, wilfully deprives
2 a member of the National Guard or Naval Reserve of his employment, or pre-

3 vents his being employed by himself or another, or obstructs or annoys said
 4 member of said National Guard or Naval Reserve or his employer in respect
 5 of his trade, business or employment, because said member of said National
 6 Guard or Naval Reserve is such member, or dissuades any person from enlist-
 7 ment in the said National Guard or Naval Reserve by threat of injury to him
 8 in case he shall so enlist, in respect of his employment, trade or business, shall
 9 be deemed guilty of misdemeanor, and upon conviction thereof shall be fined
 10 in any sum not exceeding five hundred dollars (\$500). And it shall be the duty
 11 of the State's attorney of the county wherein said information is made or
 12 offense committed, to prosecute said action in the name of the People of the
 13 State of Illinois.

Sec. 5. Any person not a member of the army or navy of the United
 2 States, or of the national guard or naval reserve of one of the states, or
 3 the Grand Army of the Republic or other patriotic military societies, or inde-
 4 pendent military organizations as authorized under section 2 of this article,
 5 who shall wear any uniform or designation of rank in use by the national
 6 guard and naval reserve, used or authorized in this Act, be guilty
 7 of a misdemeanor, and, upon conviction, shall be fined in the sum of not less
 8 than twenty dollars (\$20) nor more than one hundred dollars (\$100). Such
 9 offender shall be proceeded against as in the case of other misdemeanors un-
 10 der the statute, and the person so fined shall be committed as provided by law.

11 All fines collected under this section shall be transmitted by the officer or
 12 magistrate collecting the same to the State Treasurer, for the benefit of the mil-
 13 itary fund.

Sec. 6. It shall be the duty of the State's attorney of the county wherein
 2 any person shall be imprisoned in pursuance of a conviction under any provi-
 3 sion of this Act, to resist before the courts any application for a writ of
 4 *habeas corpus* that may be prosecuted by such person so convicted.

Sec. 7. The word "officer," as used in this Act, means any commissioned officer of the land and naval forces of the State, and the words "enlisted man" as used in this Act, means all other members of the land and naval forces of the State.

Sec. 8. The words "battalion" and "company," when used in this Act in a general sense, apply to a squadron, troop or battery of the National Guard, or to a division of the Naval Reserve, as the case may be.

Sec. 9. The following Acts are repealed:

(1) An Act entitled, "An Act to provide for the organization of the State militia and entitled, 'The Military Code of Illinois,' " approved May 26, 1879, as amended by an Act approved June 26, 1885, and as further amended by an Act approved June 15, 1887, and as further amended by an Act approved June 21, 1895.

(2) An Act entitled, "An Act to revise the military and naval code of the State of Illinois," approved June 11, 1897.

(3) An Act entitled, "An Act to revise the military code of the State of Illinois," approved April 24, 1899, as amended by an Act approved May 11, 1901.

(4) An Act entitled, "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict herewith," approved May 14, 1903, as amended by an Act approved May 28, 1907.

(5) All other Acts and parts of Acts in conflict herewith.

1. Introduced by Mr. Flagg, March 25, 1909.

2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to amend "An Act relating to the powers, duties and property of telephone companies," approved May 16, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled, "An Act relating to the pow-
3 ers, duties and property of telephone companies," approved May 16, 1903, in
4 force July 1, 1903, be, and the same hereby is amended by the addition of
5 section 6, to read as follows:

6 Sec. 6. *If any corporation, company or person, heretofore or hereafter*
7 *having power under a charter, or under any special or general law of the State,*
8 *to construct or operate telephone lines or exchanges in or through this State, shall*
9 *refuse to construct joint exchanges with, or to receive any message from, or to*
10 *deliver any message to, any other such corporation, company or person in this*
11 *State, in good faith and without partiality, the corporation, company or person*

12 so offending shall forfeit all rights and franchises acquired under the laws of
13 this State, and shall forfeit all right to transact telephone business in this State,
14 and may be enjoined therefrom by bill of complaint filed in any court of com-
15 petent jurisdiction, and be liable to pay damages which shall accrue by reason
16 of such refusal, to the corporation, company or person offering such message
17 for transmission.

1 Introduced by Mr. W. M. Groves, March 25, 1909.

2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act providing for the incorporation of burial insurance companies, specifying the requirements for the incorporation thereof, and for the transaction of the business of burial insurance; providing for examination of and reports by such incorporated companies; providing for a penalty for any violation of the provisions of this Act, and excepting certain organizations from its operation.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Corporations may be organized under the general law
3 of the State of Illinois, relating to insurance, for the purpose of transacting the
4 business of burial insurance; may issue certificates or policies providing for
5 the payment of money for the defraying of burial expenses, in amounts not
6 exceeding one hundred (\$100.00) dollars on any one life, the premium to be
7 paid on the assessment, installment or cash plan.

Sec. 2. That before any burial insurance company shall go into operation
2 under the law of this State, a guarantee capital of at least ten thousand dol-
3 lars (\$10,000.00) shall be paid in money, and invested in bonds of the United
4 States or of this State, or of any county, city or town in this State, or in
5 such other stocks and securities as may be approved by the Insurance Superin-
6 tendent, or in mortgages being a first lien on real estate, being worth at least
7 twice the amount of money loaned thereon, with abstract showing good and
8 sufficient title, and the certificate of two (2) reputable land owners, under
9 oath, certifying to the value of said property.

Sec. 3. Any number of persons, not less than five (5), may organize an
2 incorporated company under this Act for the purpose of transacting burial
3 insurance in this State, as hereinafter provided.

Sec. 4. The persons proposing to organize shall be designated as corpor-
2 ators, and they shall file with the Insurance Superintendent a declaration,
3 signed by each of the corporators, setting forth their intentions to form a com-
4 pany for the purposes named in this Act, which declaration shall comprise
5 a copy of the charter they propose to adopt, and said charter shall set forth
6 the name of the company, the place where it is to be located, the mode and
7 manner in which the corporate powers of the company are to be exercised, the
8 manner of the election of trustees or directors, and officers, the majority of
9 whom shall be citizens of this State at the time of such election; the manner
10 of filling vacancies; the amount of capital stock, and such other particulars
11 as may be necessary to explain and make manifest the objects and purposes
12 of the company, and the manner in which it is to be conducted. On the filing
13 of such declaration, as aforesaid, the Insurance Superintendent shall submit
14 the same to the Attorney General for examination; and if found by him to be
15 in accordance with the provisions of this Act and not inconsistent with the

16 laws and constitution of this State, and of the United States, he shall certify
17 to the same, and deliver it back to the Insurance Superintendent, who shall
18 cause said declaration, with the certificate of the Attorney General, to be re-
19 corded in a book to be kept for that purpose, and he shall furnish a certified copy
20 of such declaration and certificate to the corporators.

Sec. 5. Whenever the corporators shall have received from the Insurance
2 Superintendent such certified copy, and shall have published the same in a
3 newspaper published in the county in which such burial insurance company is
4 proposed to be located, they may open books to receive subscriptions to the
5 capital stock and shall keep such books open until the amounts required are
6 subscribed, and proceed to collect in such capital and complete the or-
7 ganization.

Sec. 6. No policy or certificate shall be issued until a certificate from the
2 Insurance Superintendent has been obtained, authorizing such company to
3 issue policies. The said Insurance Superintendent shall examine the capital,
4 and the majority of the directors shall make oath that the money has been paid
5 in by the stockholders toward the payment of their respective shares, and
6 not for any other purpose, and that it is intended that the same shall remain
7 as the capital of the company, to be invested as required by the laws of this
8 State. Every burial insurance company incorporated under the provisions
9 of this Act shall pay to the Insurance Superintendent, for the examination
10 herein required, the sum of twenty-five (\$25.00) dollars.

Sec. 7. Whenever the corporators shall have fully organized said company,
2 and the said company shall have deposited with the Insurance Superintendent
3 the required amount of capital, it shall become his duty to furnish the corpor-
4 ators with a certificate of deposit, which, with the certified copy of the said
5 declaration previously received from the Insurance Superintendent, when filed

6 for record in the office of the recorder of deeds in the county where such com-
7 pany is to be located, shall be authority to commence business and to issue
8 policies or certificates; and the same, or a certified copy thereof, shall be evi-
9 dence in all suits.

Sec. 8. All policies or certificates issued by any company incorporated un-
2 der this Act, shall provide for cash payment of the amount expressed in the
3 policy or certificate issued, which in no case shall exceed one hundred (\$100.00)
4 dollars; and no corporation shall issue a policy or a certificate which shall pro-
5 vide that the amount expressed therein is to be paid in funeral supplies or
6 funeral outfits.

Sec. 9. The corporators, or the trustees, or directors, as the case may
2 be, or any company organized under this Act, shall have power to make such
3 by-laws, rules and regulations, not inconsistent with the constitution and laws
4 of this State, as may be necessary for the government of its officers and the
5 conduct of its affairs, and alter or amend the same when necessary, and they
6 and their successors may have a common seal, and such company in its cor-
7 porate name may sue and be sued, may own so much real estate and personal
8 estate as shall be necessary for the transaction of its business and may sell
9 and dispose of the same when deemed necessary; but all real estate acquired
10 through the collection of debts shall not be held longer than five (5) years.
11 Each stockholder of any company organized under this Act shall, in his indi-
12 vidual capacity, be severally liable for all debts of said company to the amount
13 of his unpaid stock.

Sec. 10. Every corporation organized under the provisions of this Act,
2 and engaged in the business of providing for the payment of the funeral,
3 burial or other expenses of deceased members or certificate holders therein,
4 or engaged in the business of any other kind of burial insurance, shall, in

5 its policies or certificates of insurance, contract to pay the insurance therein
6 expressed to the representative, or to some member of the family of the de-
7 ceased member, as shall have been expressed in the certificate or policy; and
8 in no case shall any policy or certificate of burial insurance be drawn and is-
9 sued providing therein that the payment of the insurance, or any part thereof,
10 shall be made to an official undertaker, or to any designated undertaker, or
11 undertaking company, or to any particular tradesman.

Sec. 11. Any corporation, association or person engaged in the business
2 of burial insurance in this State without having first complied with the provi-
3 sions of this Act, or after the authority to do so has been revoked or sus-
4 pended or has expired, shall be deemed guilty of a misdemeanor, and upon
5 conviction shall be subject to a fine or penalty of not less than fifty dollars
6 (\$50.00) nor more than two hundred dollars (\$200.00), for each and every
7 violation of the provisions of this Act.

Sec. 12. Every burial association incorporated in this State, or doing busi-
2 ness in this State, and having been incorporated under the laws of another
3 state, conformable to the provisions of this Act, shall, on or before the first
4 day of March in each year, transmit to the Insurance Superintendent and file
5 in his office a statement of its business standing and affairs, in the form pre-
6 scribed or authorized by law, adapted to the business done by such company,
7 which shall be signed and sworn to by its president or vice president and sec-
8 retary, and made out for the year ending on the preceding thirty-first day of
9 December.

Sec. 13. Whenever the capital stock of any burial insurance company or-
2 ganized under the provisions of this Act shall become impaired, or the net
3 value thereof shall be diminished below the amount of ten thousand

4 (\$10,000.00) dollars, it shall be the duty of the Insurance Superintendent to
5 give notice to such company, its officers or agents to discontinue issuing new
6 policies of burial insurance within this State until such time as the bonds or
7 other securities in which the capital stock of the company be invested, are
8 worth the face or par value thereof, and in an amount of not less than ten thou-
9 sand (\$10,000.00) dollars, as shall have been required in its certificate of incor-
10 poration. Any officer or agent, after having received such notice, who shall
11 issue and deliver a new burial policy in violation of the provisions herein, shall
12 forfeit, for each offense, the sum of not exceeding fifty (\$50.00) dollars.

Sec. 14. This Act shall not apply to or affect grand or subordinate lodges
2 of Masons, Odd Fellows or similar orders, paying only sick, disability or fun-
3 eral benefits, or any association not working on the lodge system which limits
4 its certificate holders or membership to a particular class, or to the employes
5 of a designated firm, business house or corporation.

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- 1 Introduced by Mr. Hope, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to provide for the adoption and use of school text books in the free public schools of this State.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The publisher of any text book who desires to offer
3 the same for sale for use in the public schools of this State shall file two official
4 sample copies of said text book in the office of the Superintendent of Public In-
5 struction, together with the list price and the wholesale and retail prices at
6 which the said text book is to be offered for sale in this State. The said pub-
7 lisher shall also file with the Superintendent of Public Instruction a written
8 agreement to furnish said text book at the wholesale price so filed to the direc-
9 tors of any school district, or to any board of education, or to any merchant,
10 or dealer, and at the retail price so filed to any patron of the public schools; the
11 said written agreement shall contain the further guarantee that all books of-

ferred for sale and sold in this State shall correspond to the official sample copies deposited with the Superintendent of Public Instruction, and shall be equal in quality to said official sample copies as regards text, paper, binding, printing, illustration and all other points affecting the educational and commercial value of said text books. For every text book deposited with the Superintendent of Public Instruction, the publisher shall pay to the State treasury a fee of \$10.00, to constitute a fund to be used by the Superintendent of Public Instruction to defray the expenses of printing and distributing lists of accredited text books and information relating thereto, and for other expenses incident to the filing and listing of text books, and the licensing of publishers, as hereinafter provided: *Provided, always*, that the Superintendent of Public Instruction shall not in any case license any publisher, and no directors of any school district or any board of education shall contract with any publisher or publishers for the furnishing of any school text book or text books which shall be sold at retail prices to patrons, for use in the public schools of this State, at a price or prices above, or in excess of, the following prices, which shall include all charges whatsoever:

Primer	fifteen (15) cents
First reader	fifteen (15) cents
Second reader	seventeen (17) cents
Third reader	twenty-three (23) cents
Fourth reader	thirty (30) cents
Fifth reader	thirty-five (35) cents
Spelling book	twelve (12) cents
Elementary arithmetic	twenty-five (25) cents
Complete arithmetic	forty-five (45) cents
Elementary geography	thirty (30) cents
Complete geography	seventy-five (75) cents

40	Elementary English grammar	twenty-five (25) cents
41	Complete English grammar	forty (40) cents
42	Elementary physiology	thirty (30) cents
43	Complete physiology	fifty (50) cents
44	Elementary United States history	forty (40) cents
45	Complete United States history	seventy (70) cents
46	Physical geography	eighty (80) cents
47	Copy book	three (3) cents

Sec. 2. At the time of the filing by the publisher of the official sample copies,
 2 prices, agreements and statements provided for in the preceding section, the
 3 said publisher shall file at the office of the Superintendent of Public Instruction
 4 a sworn statement to the effect that he has no understanding, agreement or ar-
 5 rangement of any kind whatsoever with any other publisher, or any interest in
 6 the business of any other publisher, with the effect, design, or intent to control
 7 the prices of school text books, or to restrict competition in the adoption or sale
 8 thereof in this State. Before having the authority to sell text books in this
 9 State the publishers thereof shall file at the office of the Superintendent of
 10 Public Instruction a sworn statement showing the ownership of said publishing
 11 house, with the interest, names and addresses of all owners or persons interested
 12 therein, and specifically stating whether said publisher, or the owner of any in-
 13 terest or share or the recipient of any of the profits of such publishing house
 14 is the owner of any interest or share in or the recipient of any profits of any
 15 other publishing house, and if so, giving the name and address thereof.

Sec. 3. When any school text book has been deposited with the Superinten-
 2 dent of Public Instruction, the fee paid, the agreement made, and the other
 3 provisions of this Act complied with, said publisher shall file with the Superin-
 4 tendent of Public Instruction a bond in the penal sum of five thousand (\$5,000)
 5 dollars, guaranteeing a compliance with the agreement filed with said text book.

6 and the payment of any damages which may accrue on the violation thereof,
7 and the Superintendent of Public Instruction shall thereupon cause the said
8 text book to be entered upon the list of school text books permitted to be used in
9 the public schools of the State, and the Superintendent of Public Instruction
10 shall further issue a license to the said publisher to sell said text book for use
11 in the public schools of this State. If in any case the said publisher shall vio-
12 late in any particular the agreement so filed with the said text book, or shall
13 furnish books inferior in quality to the sample deposited with the Superinten-
14 dent of Public Instruction, or shall demand, charge or accept higher prices than
15 the prices agreed upon, said publisher shall be liable for each such act to a
16 penalty in the sum of \$2,000, to be recovered in a suit on said bond brought by the
17 Attorney General in the name of the State.

Sec. 4. If at any time any publisher of school text books shall enter into
2 any pool, understanding, agreement or combination to control the prices, or re-
3 strict competition in the adoption or sale of school text books in this State, or if
4 the statements required of and made by said publisher are untrue in any mat-
5 ter, or if said publisher, or his agent, or representative shall give, or offer to
6 give, directly or indirectly, to any school officer, or teacher, any money, gift,
7 property, position, remunerative work, or favor of any kind whatsoever to in-
8 duce the adoption or purchase of the school text books of said publisher, or to
9 bring about the rejection of the school text books of another publisher, then
10 his license shall be revoked by the Superintendent of Public Instruction, and
11 his school text books omitted from the list of licensed school text books, and
12 all contracts with said publisher may be nullified at the option of the other parties
13 thereto.

Sec. 5. The Superintendent of Public Instruction shall during the month of
2 February each year furnish each county superintendent and each board of
3 school directors and board of education in the State a list of the publishers

4 who have conformed to the requirements of this Act, with a list and description
5 of the school text books which have been accredited, with the list prices, and the
6 wholesale and retail prices of said books. Before entering into any contract
7 with any board of education or board of directors, the publisher shall furnish
8 the county superintendent and the secretary of the board of education or board
9 of directors in whose jurisdiction the contract is sought with a duplicate printed
10 list of the school text books filed by him with the Superintendent of Public In-
11 struction, together with the list prices and the lowest wholesale and retail
12 prices shown on the statement filed therewith, with samples of the school text
13 books in said list referred to and said lists and samples shall be preserved as
14 a part of the records of the secretary of the said board of education or board
15 of directors, together with the bid of the publisher, to be delivered by the secre-
16 tary to his successor, and shall be kept in such safe and convenient manner
17 as to be at all times open to the inspection of school officers, school teachers,
18 and school patrons who may desire to examine the same, or to compare them
19 with others. The board of education or board of directors may require any
20 person or persons with whom they may contract for furnishing text books to
21 enter into a good and sufficient bond, in such sum and under such conditions and
22 sureties as may be required by such board, for the faithful performance of any
23 such contract.

Sec. 6. Before adopting for use in the public schools under their respective
2 jurisdictions any school text books under the provisions of this Act,
3 it shall be the duty of each board of education or board of directors to adver-
4 tise for bids, by publishing a notice once a week for three consecutive weeks in
5 one or more newspapers of general circulation published in the city or district;
6 said notice shall state the time up to which said bids will be received, the time
7 at which they will be opened, which must be at an open meeting of the board of
8 education or board of directors; said notice shall also state the classes and

9 grades for which the text books are to be bought, and the approximate quantity
10 needed; and the said board shall award the contract for said text books to any
11 responsible bidder or bidders offering suitable licensed text books at the lowest
12 prices, taking into consideration the quality of the material used, illustrations,
13 binding, printing, authorship, and all other things that go to make up a de-
14 sirable text book: *Provided*, that the said board may reject any and all bids, or
15 any part thereof, and re-advertise therefor, as above provided.

Sec. 7. It shall be a part of the terms and conditions of every contract made
2 in pursuance of this Act that the State of Illinois, or any board of education
3 or directors, shall not be liable to any contractor hereunder for any sum what-
4 ever; but all such contractors shall receive their compensation solely and ex-
5 clusively from the proceeds of the sale of the books, as provided by
6 this Act.

Sec. 8. Any publisher, merchant, dealer or other person or persons who
2 shall directly or indirectly demand or receive any money for any school text
3 book or books in excess of the prices for such book or books filed with the
4 Superintendent of Public Instruction, as hereinbefore provided, shall be deemed
5 guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum
6 not less than twenty-five nor more than five hundred dollars, to which may be
7 added imprisonment in the county jail for a term not exceeding sixty days.

Sec. 9. Text books shall not be changed more often than once in four
2 years. Text books shall not be changed in the middle of a school year, but all
3 changes shall go into effect at the beginning of the first term of school after
4 the summer vacation.

Sec. 10. In the adoption of school text books, it shall be the duty of the
2 board of education or the board of directors to take into consideration the text
3 books then in use in the schools in their respective districts, and in making con-

4 tracts for a change of books they shall require publishers or contractors to
5 take up in part exchange the books then in use for at least fifty per cent of the
6 maximum price fixed by the provisions of this Act.

Sec. 11. WHEREAS, an emergency exists, this Act shall take effect from and
2 after its passage.

1 Introduced by Mr. Hope, March 24, 1909.

2 Read by title, ordered printed and referred to Committee on Public Charities.

A BILL

For an Act to regulate the State Charitable, Penal and Reformatory Institutions,
to revise the laws relating thereto and to repeal certain Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* When used in this chapter, the term “poor persons”
3 means a person who is unable to maintain himself and having no one legally reli-
4 able and able to maintain him; the term “an indigent person” means one who
5 has not sufficient property to support himself while insane, and the members of
6 his family lawfully dependent upon him for support; the term “institution”
7 means any hospital, asylum, building, buildings, house or retreat authorized by
8 law to have the care, treatment or custody of the insane; the term “commis-
9 sion” means the State Commission of Control; the term “patient” means an
10 insane person committed to an institution according to the provisions of this
11 chapter.

Sec. 2. APPOINTMENT, QUALIFICATIONS, TERMS OF OFFICE, AND SALARIES OF

2 COMMISSIONERS.] There shall be a State Commission of Control consisting of
3 five (5) commissioners, all of whom shall be citizens of this State, all of whom
4 shall devote their entire time to the duties of their office. One of them shall
5 have been connected with the asylum for the insane for at least three years
6 and have had actual experience in the care and treatment of the insane, and
7 experience in the management of institutions for the insane. One member
8 shall be qualified by education and experience to advise the commission in the
9 work of the civil service commission, and whose duties will be to direct the civil
10 service department and secure employes for the various institutions. One mem-
11 ber shall be a business man, a man accustomed to supervising the work of cleri-
12 cal assistance and whose duties will be in connection with the State Steward,
13 provided for herein, to arrange and receive the estimates of the various institu-
14 tions and bring the various bids before the commission for their consideration,
15 and to be the directing member in regard to the purchase of supplies and like-
16 wise to consider all contracts and direct the attention of the board to them.
17 One member shall by education and experience be an engineer and architect, and
18 whose duties will be to see that the great power plants are kept in good order
19 and recommend various changes to be made in the plants, and direct a depart-
20 ment for furnishing the various institutions, etc. One member shall be a repu-
21 table attorney and counsellor at law of the courts of this State of not less than
22 ten years standing. The president of the commission shall receive an annual
23 salary of seven thousand five hundred dollars, and twelve hundred dollars in
24 lieu of his traveling and incidental expenses, payable monthly. Each of the other
25 commissioners shall receive an annual salary of five thousand dollars, and twelve
26 hundred dollars in lieu of his traveling and incidental expenses, payable monthly.
27 The commissioners, when appointed, shall determine by lot the length of their
28 respective terms, one of them retiring at the end of each year, and the member

29 having the shortest term to serve shall be the president of said commission; and
 30 thereafter one commissioner shall be appointed each year for the regular term
 31 of five (5) years. A commissioner may be removed by the Governor for cause,
 32 stated in writing, after an opportunity has been given him to be heard thereon.
 33 The full term of office of a commissioner shall be five (5) years. Where the
 34 term of office of a commissioner other than the president expires at a time
 35 other than the last day of September, the term of office of his successor is
 36 abridged so as to expire on the last day of September preceding the time
 37 when such term would otherwise expire, and the term of office of each such com-
 38 missioner thereafter appointed shall begin on the first day of October. The com-
 39 missioner shall be appointed by the Governor, by and with the advise and con-
 40 sent of the Senate; but no more than three members of the said commission
 41 shall belong to or be affiliated with the same political party.

Sec. 3. OFFICE AND CLERICAL FORCE OF COMMISSION—MEDICAL INSPECTOR.] The
 2 commission shall be provided by the authorities with a suitable furnished office
 3 in the State capitol, where it shall hold stated meetings at least once every
 4 month. It may hold other meetings, at such office or elsewhere, as it may deem
 5 necessary. It may employ a stenographer and other such employes as may be
 6 necessary. The salaries and reasonable expenses of the commission and of the
 7 necessary clerical assistants shall be paid by the Treasurer of the State on the
 8 warrant of the Auditor, out of any moneys appropriated for the support of the
 9 insane.

10 The State Commission of Control may also appoint a medical inspector,
 11 who shall be a well educated physician, a graduate of an incorporated medical
 12 college, and who shall have had actual experience in an institution for the care
 13 and treatment of the insane. Such inspector shall receive an annual salary to
 14 be fixed by the commission, subject to the approval in writing of the Governor,
 15 not to exceed five thousand dollars, and all his actual and necessary traveling

16 expenses incurred by him in the performance of his duties, which shall be
 17 audited and paid in the same manner as the other expenses of the commission.
 18 He shall, subject to the direction of the commission, visit and inspect the sev-
 19 eral State hospitals and other institutions for the insane which are subject to
 20 the supervision, visitation and inspection of the commission. He shall, subject
 21 to the direction of the commission, make an examination, so far as circum-
 22 stances may permit, of the patients confined in such hospitals and institu-
 23 tions, especially those admitted thereto since his preceding visit, giving such as
 24 may request it suitable opportunity to converse with him apart from the offi-
 25 cers and attendants. He shall perform such other duties as may be prescribed
 26 and directed by the commission.

Sec. 4. OFFICIAL SEAL AND EXECUTION OF PAPERS.] The commission shall
 2 have an official seal. Every process, order or other paper issued or executed
 3 by the commission may, in the direction of the commission, be attested, under
 4 its seal, by its secretary or by any member of the commission, and when so
 5 attested shall be deemed to be duly executed by the commission.

Sec. 5. GENERAL POWERS.] The commission is charged with the execution
 2 of the laws relating to the custody, care and treatment of the insane, including
 3 feeble-minded persons and epileptics as such and idiots and the inmates of the
 4 other State charitable institutions in this State. They shall examine all institu-
 5 tions, public and private, and those authorized by law to receive and care for
 6 the insane, and inquire into their methods of government and the management
 7 of all such persons therein. They shall examine into the condition of all build-
 8 ings, grounds and other property connected with any such institution, and into
 9 all matters relating to its management. For such purpose each commissioner
 10 shall have free access to the grounds, buildings and all books and papers relat-
 11 ing to any such institution. All persons connected with any such institution

12 shall give such information, and afford such facilities for any such examination
 13 or inquiry as the commissioners may require. The commission may, by order,
 14 appoint a competent person to examine the books, papers and accounts, and
 15 also into the general condition and management of any institution to the extent
 16 deemed necessary and specified in the order. The commission shall arrange for
 17 the interchange of farm products and other products upon the various institu-
 18 tions, proper credit being given to the producing institutions. The commis-
 19 sioners shall prepare all necessary blanks and form of every kind, nature and
 20 character and the same uniform blank for the financial matters and business
 21 shall be used in all of the State institutions. They shall study and become fa-
 22 miliar with the relative advantages and disadvantages of the said institutions in
 23 location, freight rates, efficiency of farm and equipment, for the purpose of
 24 aiding in the determination of the local and general requirements, both for
 25 maintenance and improvement.

26 The said commissioners of control shall succeed to all the powers and
 27 duties of the "civil service commission" provided for in an Act entitled "An
 28 Act to regulate the civil service of the State of Illinois," approved May 11,
 29 1905, in force Nov. 1, 1905.

30 The said civil service commissioners shall have no further legal existence
 31 and the said commissioners of control created by this Act is hereby vested
 32 with all the powers and duties given by law to said civil service commis-
 33 sioners.

Sec. 6. GENERAL POWERS AS TO STATE HOSPITALS.] The commission shall,
 2 subject to the powers hereinafter granted to boards of managers:
 3 1. Have the general oversight of the State hospitals, and the control of
 4 all the property thereof, and shall see that the purposes of such hospitals are
 5 carried into effect by the boards of managers according to law.

2. Accept and hold in behalf of the State, if for the public interest, a grant, gift, devise or bequest, of money or property, to the State of Illinois, to the commission of control, or to any State hospital or the managers thereof, heretofore or hereafter made in trust for the maintenance or support of an insane person or persons in a State hospital or hospitals, or for any other legitimate purpose connected with any such hospital or hospitals. The commission shall cause each said gift, grant, devise or bequest to be kept as a distinct fund, and shall invest the same in the manner provided by the laws of this State as the same now exist, or shall hereafter be enacted, relating to securities in which the deposits in savings banks may be invested. But the commission may, in its discretion, deposit in a proper trust company or savings bank, during the continuance of the trust, any fund so left in trust for the life of a single person, and shall adopt rules and regulations governing the deposit, transfer or withdrawal of such fund. The commission shall, on the expiration of any trust as provided in any instrument creating the same, dispose of the fund thereby created in the manner provided in such instrument. The commission shall include in its annual report a statement showing what funds are so held by it and the condition thereof.

Sec. 7. OFFICIAL VISITS.] The commission, or a majority thereof, shall visit every such State hospital jointly or by a majority of the commission at least once each quarter and every such private institution by one member of the commission at least twice in each calendar year. Such visits shall be made on such days, and at such hours of the day or night, and for such length of time, as the visiting commissioner may choose. But each commissioner may make such other visits as he or the commission may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings and grounds thereto or used in connection therewith. The commissioners shall, from time to time, make an ex-

amination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it suitable opportunity to converse with the commissioners apart from the officers and attendants. They shall, as far as they deem necessary, examine the officers, attendants and other employes, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioners shall report the result thereof, with such recommendations for the better management or improvement of any institutions as they may deem necessary. But such recommendations shall not be contrary to the doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, at least once each year, at a time to be appointed by the commission, meet the managers of such institutions, or as many of the number as practicable, in conference, and consider in detail all questions of management and improvement of the institution, and they, or one or more of them, with the managers, shall inspect the institution, or such parts thereof as they may deem necessary, and shall also send to the managers, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institution as they may deem necessary or desirable.

Sec. 7a. VISITATION AND INSPECTION OF CERTAIN INSTITUTIONS.] Any member of the commission or the medical inspector may visit any sanitarium or other institution, wherein sick or infirm persons are received, cared for or treated, for compensation or hire, for the purpose of ascertaining whether insane persons are confined therein without authority, and contrary to the provisions of law. All persons having charge of, and connected with any such sanitarium or institution, shall permit any member of the commission and the

8 medical inspector to have free access to any portion thereof, and shall give
9 such information and afford such facilities for inspection or inquiry as the
10 member of the commission or the medical inspector making such visit and in-
11 spection may require.

12 *Provided*, That no visit shall be made to a private institution other than
13 in the day time; and such institutions shall be examined only as to their methods
14 of administration, the general and special dietary, and as far as circumstances
15 may permit of every patient confined therein.

Sec. 8. REGULATIONS AND FORMS.] The commission shall make such regula-
2 tions in regard to the correspondence of the insane in custody as in its judg-
3 ment will promote their interests, and it shall be the duty of the proper authori-
4 ties of each institution to comply with and enforce such rules and regulations.
5 All such insane shall be allowed to correspond, without restriction, with the
6 county judge and State's Attorney of the county from which they were com-
7 mitted. The books of record and blank forms for the official use of the hos-
8 pitals shall be uniform, and shall be approved by the commission.

Sec. 9. ANNUAL REPORT.] The commission shall, annually, report to the
2 Legislature its acts and proceedings for the year ending September 30th last.
3 preceding, with such facts in regard to the management of the institutions for
4 the insane as it may deem necessary for the information of the Legislature, in-
5 cluding estimates of the amounts required for the use of the State hospitals and
6 the reasons therefor; also report regularly every quarter to the Governor the
7 acts and proceedings of the board; and also the annual reports made to the
8 commission by the board of managers of each State hospital and other State,
9 public or private institutions. The commission shall determine from time to
10 time the capacity of each of the State hospitals and shall incorporate a state-
11 ment of such capacity in its annual report to the Legislature.

Sec. 10. STATE HOSPITAL DISTRICTS; HOW DEFINED.] The State Commission of Control shall divide the State into as many State hospital districts as there are State hospitals. No county shall be divided in such classification, unless the same contains over one hundred thousand population. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new State hospital shall be established, it shall again divide the State into hospital districts. Before any change or re-establishment of hospital districts shall be made, the board of managers of each hospital to be affected thereby shall be notified by the commission that they may be heard in regard thereto, at a time and place to be specified in said notice. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion, as nearly as practicable, to the accommodations which are or may be provided by the State hospital or hospitals within such district.

Sec. 11. CHANGE OF HOSPITAL DISTRICTS AND RE-ASSIGNMENT OF PATIENTS.] When a change or re-establishment of State hospital districts shall be made, or a new State hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the Secretary of State, and send a copy to the managers and superintendent of each State hospital affected by such change, and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the State, affected by such change, to be filed in his office.

Sec. 12. RECORD OF PATIENTS.] The commission shall keep in its office, and accessible only to the commissioners, their secretary and clerk, except by the consent of the commission or one of its members, or an order of a court of record, a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition and date of commitment of every patient in custody in the several State institu-

7 tions for the care and treatment of insane persons in the State, and the name
8 and residence of the person making the petition for commitment, and of the
9 persons signing such medical certificate, and of the judge making the order
10 of commitment.

11 2. The name of the institution where each patient is confined, the date of
12 admission, and whether brought from home or another institution, and if from
13 another institution the name of such institution, by whom brought, and the pa-
14 tient's condition.

15 3. The date of the discharge of each patient from such institution since
16 the first day of October, A. D. 1908, whether recovered, improved or unim-
17 proved, and to whose care committed.

18 4. If transferred, for what cause, and to what institution; and if dead, the
19 date and cause of death.

Sec. 13. INSTITUTIONS TO FURNISH INFORMATION TO COMMISSION.] The au-
2 thorities of the several State institutions for the insane shall furnish to the
3 commission the facts mentioned in the last preceding section, and such other ob-
4 tainable facts relating thereto as the commission may, from time to time, in
5 the just and reasonable discharge of its duties, require of them, with the opin-
6 ion of the superintendent thereon, if requested. The superintendent or person
7 in charge of such institutions, must, within ten days after the admission of
8 an insane person thereto, cause a true copy of the medical certificate and order
9 on which such person shall have been received, to be made and forwarded to
10 the office of the commission; and when a patient shall be discharged, trans-
11 ferred, or shall die therein, such superintendent or person in charge shall,
12 within three days thereafter, send the information to the office of the commis-
13 sion, in accordance with the forms prescribed by it.

Sec. 14. COMMISSION TO PROVIDE FOR THE PROSPECTIVE WANTS OF THE IN-
2 SANE.] The commission shall provide sufficient accommodations for the pro-

3 spective wants of the insane of the State. To prevent overcrowding in the
 4 State hospitals, it shall recommend to the Legislature the establishment of
 5 other State hospitals, in such parts of the State as in its judgment will best
 6 meet the requirements of such insane. It shall also furnish to the Legislature,
 7 in each year, an estimate of the probable number of patients who will become
 8 inmates of the respective State hospitals during the year beginning October 1st
 9 next ensuing, and the cost of all the additional buildings and equipments, if
 10 any, which will be required to carry out the provisions of this chapter relating to
 11 the care, custody and treatment of the insane of the State. No money shall be
 12 expended for the erection of additional buildings or for unusual repairs or im-
 13 provements of State hospitals except upon plans and specifications to be ap-
 14 proved by the commission and the Governor. The cost of such buildings as are
 15 to be occupied by patients, erected on the grounds of existing State hospitals,
 16 including the necessary equipment for heating, lighting, ventilating, fixtures
 17 and furniture, shall, in no case, exceed the proportion of five hundred dollars
 18 per capita for the patients to be accommodated therein; except that for build-
 19 ings specially designed and equipped for the active medical and general care
 20 and treatment of insane patients of the acute and curable class, the cost shall
 21 not exceed the proportion of one thousand dollars per capita for the patients
 22 to be accommodated therein. No municipality of the State shall have the power
 23 to modify or change plans or specifications for the erection, repair or improve-
 24 ment of State hospital buildings or the plumbing or sewerage connected there-
 25 with. The commission may secure a blanket policy of insurance covering any
 26 or all of the buildings, property or fixtures of the State hospitals.

Sec. 15. DIRECTOR OF PATHOLOGICAL INSTITUTE.] The commission shall,
 2 after a special civil service examination therefor, appoint a director of the path-
 3 ological institute, who shall perform, under the direction of the commission,
 4 such duties relating to pathological research as may be required for all of the

5 State hospitals for the insane. He shall receive an annual salary to be fixed
6 by the commission, subject to the approval of the Governor. The State hos-
7 pitals shall co-operate with the pathological institute in such manner as the
8 commission may from time to time direct.

Sec. 16. STATE HOSPITALS FOR THE INSANE.] There shall continue to be the
2 following hospitals for the care and treatment of the insane of the State,
3 which are hereby declared to be corporations:

4 1. The Illinois Northern Hospital for Insane, at Elgin, in Kane county.

5 2. The Illinois Eastern Hospital for Insane, at Kankakee, in Kankakee
6 county.

7 3. The Illinois Western Hospital for Insane, at Watertown, in Rock
8 Island county.

9 4. The Illinois Central Hospital for Insane, at Jacksonville, in Morgan
10 county.

11 5. The Illinois Southern Hospital for Insane, at Anna, in Williamson
12 county.

13 6. The Illinois Central Hospital for the Insane, at Bartonville, in Peoria
14 county.

15 7. The Asylum for Insane Criminals, at Menard, in Randolph county.

Sec. 17. MANAGERS OF STATE HOSPITALS AND THEIR TERMS OF OFFICE.]
2 Each State hospital shall be under the control and management of a board of
3 managers, subject to the statutory powers of the commission. On or after the
4 first of October, 1908, the Governor shall appoint a board, consisting of five (5)
5 members, not more than three (3) of whom shall belong to or be affiliated with
6 the same political party. He shall so arrange their terms of office of one, two,
7 three, four, and five years that a term shall expire on the thirtieth day of
8 September in each year, beginning with the year 1909. After the expiration of

9 such terms, managers shall be appointed for terms of five years. If a vacancy
10 occur otherwise than by expiration of term, the appointment of manager to fill
11 such vacancy shall be for the unexpired term of the manager whose office be-
12 came vacant: *Provided*, That one member of each board of managers shall
13 be a woman.

Sec. 18. APPOINTMENT AND REMOVAL OF MANAGERS.] The members of the
2 boards of managers shall be appointed by the Governor, by and with the advice
3 and consent of the Senate, as often as a vacancy shall occur by expiration of term,
4 or otherwise; and they may severally continue in office until their successors are
5 appointed and have qualified; and they shall be subject to removal by the Gov-
6 ernor, after having been notified in writing of the reasons for the proposed re-
7 moval, and having been given an opportunity to be heard. All managers shall
8 reside in the hospital district in which the hospital is situated for which they
9 are respectively appointed. No person shall be eligible to the office of manager
10 who is either an elective State officer or a member of the Legislature, and if
11 any such manager shall become a member of the Legislature or an elective
12 State officer, his office as manager shall thereupon be vacant. If any manager
13 fails for a period of six months to attend the regular meetings of the board
14 of which he is a member, the secretary of the board shall notify the Governor
15 of such absence, with any explanation thereof which may be submitted by such
16 manager, and unless the Governor shall, within thirty days thereafter, notify
17 the secretary that he has excused such manager for such absence, the office of
18 such manager shall thereupon be deemed to be vacant; and if any manager
19 fails for one year to attend such regular meetings, his office shall become va-
20 cant. When any such vacancy shall occur, the board, by resolution, shall so
21 declare, and a certified copy of such resolution shall forthwith be transmitted
22 by the board to the commission and to the Governor. In the month of January
23 of each year the secretary of the board of managers shall transmit to the

24 Governor a statement showing the record of attendance of each manager at
25 meetings of the board, the number and dates of visits to the hospital, with a
26 statement of any other work for the hospital performed by such manager,
27 which such manager may request to have transmitted to the Governor. The
28 manager whose term is first to expire shall act as president of the board of
29 managers of each institution.

Sec. 19. GENERAL POWERS AND DUTIES OF BOARD OF MANAGERS.] Subject to
2 the statutory powers of the commission, boards of managers shall have the gen-
3 eral direction and control of all the property and internal affairs of the institu-
4 tions for which they are respectively appointed, except as otherwise provided
5 by law. A committee consisting of one member of each board of managers, or
6 other representative designated by such board, shall establish by-laws, rules and
7 regulations governing the appointment and duties of officers and employes of
8 all the State hospitals, and for the internal government, discipline and manage-
9 ment of the same, subject to the approval of the commission. Such by-laws,
10 rules and regulations shall be uniform for all the State hospitals, and shall not
11 be inconsistent with the provisions of this Act nor with the provisions of the
12 civil service law and the rules and regulations established thereunder. The
13 managers shall not receive any compensation for their services, but shall re-
14 ceive actual and necessary traveling and other expenses, to be paid after audit
15 as other current expenditures of the hospital. Each board shall, in October
16 of each year, elect from among its members a secretary. The superintendent
17 shall personally submit, at each monthly meeting of the board of managers, a
18 report showing changes in population, health of patients, officers and employes;
19 accidents, suicides, unusual sickness, infectious diseases; important occurrences
20 relating to the welfare of the patients and to the management and discipline of
21 the employes, and such other matters as the board may specify. Each board
22 shall:

23 1. Take care of the general interests of the hospital and see that its de-
24 sign is carried into effect, according to law, and the by-laws, rules and regula-
25 tions made as above provided.

26 2. Maintain an effective inspection of the hospital, for which purpose the
27 board, or a majority of its members, shall visit and inspect the hospital at least
28 once each month. Each board shall make a written report to the commission
29 and to the Governor within ten days after each inspection, such report to be
30 signed by each member making the inspection. Such report shall state in de-
31 tail the condition of the hospital and of its inmates, and such other matters
32 pertaining to the management and affairs thereof as in the opinion of the
33 board should be brought to the attention of the commission or the Governor,
34 and may contain recommendations as to needed improvements in the hospital
35 or in its management.

36 3. Keep in a book provided for that purpose a fair and full record of
37 their doings, which shall be open at all times to the inspection of the Governor
38 of the State, the commissioner of control, or any person appointed by the
39 Governor, the commission of control, or either house of the Legislature, to ex-
40 amine the same.

41 4. Hold regular meetings at least once each month, and cause to be type-
42 written, within ten days after such meeting, the minutes and proceedings of
43 such meeting, and cause a copy thereof to be sent forthwith to each member
44 of such board, to the commission and to the Governor.

45 5. Enter in a book, kept at the hospital for that purpose, the dates of
46 each visit of each manager.

47 6. Make to the commission, in October of each year, a detailed report of
48 the results of their visits and inspection, with suitable suggestions and such
49 other matters as may be required of them by the commission, for the year
50 ending on the thirtieth day of September preceding the date of such report.

51 Such report shall be prepared by a committee of the board, subject to the ap-
52 proval of the board.

53 7. Investigate, hear and determine the truth of all charges made against
54 the superintendent or other officer or employe of a hospital, issue subpoenas
55 and take and hear testimony in respect to such charges. A witness attending
56 before such board shall be entitled to the same fees as a witness attending be-
57 fore a court of record or a judge thereof, which shall be paid as other hospital
58 charges. The resident officers shall admit such managers into every part of
59 the hospital and its buildings, and exhibit to them, on demand, all the books,
60 papers, accounts and writings belonging to the hospital, or pertaining to its
61 business, management, discipline or government and furnish copies, abstracts
62 and reports whenever required by them.

Sec. 20. OFFICERS.] The commission of control shall appoint, for each
2 hospital, as often as a vacancy shall occur therein, a superintendent. When-
3 ever a vacancy shall occur in the office of superintendent of any State hospital,
4 the commission of control may transfer to such position the superintendent of
5 any other State hospital. The superintendent shall be a well educated physi-
6 cian and a graduate of an incorporated medical college, of at least five years'
7 actual experience in an institution for the care and treatment of the insane.
8 The superintendent may be removed by a vote of a majority of the board of
9 managers, for cause stated in writing, and after an opportunity has been given
10 him to be heard thereon, and such action, when approved by the commission,
11 shall be final. Pending the investigation of any charges against a superintend-
12 ent, and the decision thereon, the board of managers may suspend such super-
13 intendent. The commission may prefer charges of misconduct or incompetency
14 against any superintendent to the board of managers of the hospital of which
15 he is superintendent, and the board shall thereupon investigate the truth of
16 such charges. On the first day of October, 1908, the office of treasurer in each

17 of the State hospitals and other institutions hereinafter provided for shall
 18 be abolished; and all claims, demands and obligations incurred on account of
 19 any of the institutions provided for in this Act shall be paid by warrants drawn
 20 by the State Auditor upon the State Treasurer, and payable only out of funds
 21 appropriated for the purposes aforesaid; but no such warrant shall issue ex-
 22 cept upon vouchers certified and sworn to, and approved by the Chief Purchas-
 23 ing Steward of the State, the local steward of the respective institution, and by
 24 the president of the commission of control, and otherwise as the commission
 25 of control may, by rules and regulations, determine.

Sec. 21. GENERAL POWERS AND DUTIES OF SUPERINTENDENT.] The superin-
 2 tendent of each hospital shall be its chief executive officer, and in his absence
 3 or sickness, the first assistant physician or other officer designated by the super-
 4 intendent shall perform the duties, exercise the powers, and be subject to the
 5 responsibilities of the superintendent. Subject to the by-laws and regulations
 6 established by the commission and the managers under the provisions of this
 7 Act, the superintendent shall have general superintendence of the buildings,
 8 grounds and farm, together with their furniture, fixtures and stock, and the
 9 direction and control of all persons therein, and subject to such by-laws and
 10 regulations shall:

11 1. Personally maintain an effective supervision and inspection of all parts
 12 of the hospital and generally direct the care and treatment of the patients. To
 13 this end the superintendent shall personally examine the condition of each pa-
 14 tient, within five days after his admission to the hospital, and shall regularly
 15 visit all of the wards or apartments for patients at such times as the rules
 16 and regulations of the hospital shall prescribe.

17 2. Appoint, subject to the provisions of the civil service laws, such resi-
 18 dent officers, including a woman physician and such employes as he may think
 19 proper and necessary for the economical and efficient performance of the busi-

ness of the hospital, and prescribe their duties, and for cause stated in writing, after an opportunity to be heard, discharge any of such employes in his discretion, but an appointment of a steward by such superintendent shall be approved by the commission before taking effect, and such steward shall not be removed without the consent in writing of the commission. The number of such resident officers and employes shall be determined from time to time by the commission. The commission may, with the approval of the Governor, abolish the office of any of such resident officers or employes. The superintendent may remove any resident officer for cause stated in writing, after an opportunity to be heard, and such action shall be final. Upon any such removal he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital.

The superintendent, assistant physicians, including the woman physician, steward, and matron, shall constantly reside in the hospital, or on the premises, except as provided in this Act, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the commission of control, and to the president of the board of managers, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer or employe, with the facts relating to his discharge, in a book provided for that purpose.

4. Designate hospital attendants or employes to act as special policemen, whose duty it shall be, under the orders of the superintendent, to arrest and return to the hospital insane persons who may escape therefrom, and to preserve peace and good order in such hospital and to fully protect the grounds, buildings and patients. Such attendants and employes acting as policemen

48 shall possess all the powers of peace officers on the grounds and premises of
49 such hospital and to the extent of one hundred yards beyond such grounds.
50 The designation of such attendants and employes as special policemen, in pur-
51 suance hereof, shall not be deemed to supercede, on the grounds and premises
52 of such hospital, the authority of peace officers of the jurisdiction within which
53 such hospital is located.

54 5. Give such orders and instructions as he may deem best calculated to
55 insure good conduct, fidelity and economy in every department of labor and ex-
56 pense.

57 6. Maintain salutary discipline among all who are employed in the institu-
58 tion and enforce strict compliance with his instructions and uniform obedience
59 to all rules and regulations of the hospital.

60 7. Establish and supervise a training school for attendants and nurses,
61 under rules and regulations of the hospital.

62 8. The superintendent shall hold at least two meetings weekly with the
63 medical staff, at which the condition of patients, especially those recently ad-
64 mitted, shall be considered, and matters of medical service generally shall be
65 given attention. The superintendent shall cause a complete clinical record to
66 be made of each patient, to be kept in such form and to comprise such matters
67 the commission may direct.

68 9. Cause full and fair accounts and records of the entire business and
69 operations of the hospital to be kept regularly, from day to day, in books pro-
70 vided for that purpose.

71 10. See that all such accounts and records are fully made up to the last
72 day of September in each year, and that the principal facts and results, with
73 his report thereon, be presented to the board of managers within thirty days
74 thereafter, who shall incorporate it in their report to the commission. The com-
75 mission may prescribe the form of and the subjects to be embraced in such

76 reports. Such superintendent shall make other reports at such times and in
77 such manner and in respect to such matters as the board of managers or the
78 commission may direct.

79 11. Keep a book, in which he shall cause to be entered, at the time of
80 reception of any patient, his name, residence and occupation, and the date of
81 such reception, by whom brought and by what authority and on whose petition
82 committed, and an abstract of all orders, warrants, requests, petitions, certifi-
83 cates and other papers accompanying such person.

Sec. 22. PURCHASING STEWARD FOR STATE INSTITUTIONS.] The office of pur-
2 chasing steward for the several State institutions is hereby established. The
3 purchasing steward for said State institutions shall be appointed by the com-
4 mission, and may be removed by it for cause stated in writing, after an oppor-
5 tunity to be heard, and such action shall be final. Such purchasing steward
6 shall make all purchases for each of said State institutions, in accordance with
7 estimates made as provided by this chapter, after a requisition therefor, ap-
8 proved by the superintendent or warden, as the case may be, of the institutions
9 for which such purchases are required. He shall visit the said State institu-
10 tions for which he acts, from time to time, and confer with the superinten-
11 dents and warden and resident stewards thereof as to the quantity, quality
12 and price of supplies required therefor. He shall perform such other duties
13 in respect to the purchase of supplies for such hospitals as may be prescribed
14 by the commission. A resident steward for each of said State institutions
15 shall be appointed and shall possess all the powers and perform all the duties
16 conferred or imposed upon stewards of State institutions by this chapter, ex-
17 cept as herein otherwise provided. Such purchasing steward shall have an office
18 in the cities of Chicago, Springfield and East St. Louis, and may appoint such
19 clerks and assistants as may be authorized by the commission. The salaries

20 of such purchasing steward and of such clerks and assistants shall be fixed by
21 the commission in the same manner as those of other officers and employes.

Sec. 23. MEETINGS OF SUPERINTENDENTS.] The superintendents or managing
2 officers of the several State institutions designated by them shall meet at least
3 once in every three months, upon the call of the commission, at the office of
4 the commission at Springfield, or at such other place as may be designated by
5 it, to consult with such commission with reference to matters relating to the care
6 and operations of the State institutions, and particularly with reference to the
7 care and treatment of the insane. Each board of managers may, in its discre-
8 tion, send one of its members to such meetings.

Sec. 24. SALARIES OF OFFICERS AND WAGES OF EMPLOYES.] The commission
2 from time to time, with the approval in writing of the Governor, Secretary of
3 State and State Auditor, shall fix the annual salaries of the resident officers
4 of the State hospitals, which shall be uniform for like service. They shall
5 classify the other officers and employes into grades, and, except as provided by
6 this chapter, shall determine the salaries and wages to be paid in each grade,
7 which shall be uniform in all the hospitals. The salaries and wages shall be in-
8 cluded in the estimates and paid in the same manner as other expenses of the
9 State hospitals. Food supplies shall be allowed to officers and employes and
10 the families of the superintendents, first assistant physicians and stewards.
11 Such families shall consist only of the wives and minor children of such officers;
12 no other persons, except those regularly employed, shall be allowed rooms and
13 maintenance, except at a rate to be fixed by the commission; such supplies shall
14 be drawn from the supplies provided for general hospital use. With the ap-
15 proval of the commission, officers or employes of State hospitals may be per-
16 mitted to live outside of such hospitals, and shall receive such sums in lieu of
17 the quarters or supplies furnished by the hospitals, as may be equitable.

Sec. 25. GENERAL POWERS AND DUTIES OF THE STEWARD.] The steward,

under the direction of the superintendent, and subject to the rules and regulations of the hospital, shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the hospital, and subject to such rules and regulations shall, under the direction of the commission:

1. Purchase all material, provisions, machinery, instruments, fuel, stationery, furniture, hospital supplies, books, papers and other material and supplies of any and every kind for each and all of said State institutions. If deemed advisable by the commission, the same shall be specified before competitive bids, made before specifications prepared by said commission, and said steward shall furnish samples of the material desired to be purchased. The right to reject any and all bids shall be reserved in all notices.

2. Make all purchases for the hospital, except as otherwise provided in this chapter, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same.

3. Prepare and keep the pay-rolls of the hospital.

4. Keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer statements thereof as they fall due.

5. Notify the commission of control of the death or discharge of any reimbursing or pay patient, within five days after such death or discharge.

Sec. 26. PURCHASES AND CONTRACTS.] No member of the commission, manager or officer of a State institution shall be interested, directly or indirectly, in

the furnishing of material, labor or supplies for the use of any State institution, nor shall any such manager or officer act as attorney or counsel for any such institution. Contracts subject to the approval of the commission shall be entered into jointly, by the stewards of the State institutions, for such staple articles of supplies as it may be found feasible by the commission to purchase

8 for the use of State institutions. Such contracts shall not be let except in con-
 9 formity with the provisions of this Act relating to estimates. The State in-
 10 stitutions may manufacture such supplies and materials to be used in any of
 11 such institutions as can be economically made therein. All goods for the uses
 12 of the institutions shall be bought, as far as practicable, of manufacturers and
 13 their immediate agents. All contracts, if let, shall, subject to the provisions
 14 of this Act relating to estimates, be awarded to the lowest responsible bidders.
 15 A member of the commission or an officer, manager or employe of a State
 16 institution shall not receive a gift or reward for himself or the institution
 17 from any person, firm or corporation dealing in goods, or supplies suitable
 18 or necessary for the use of the institution. All purchases and contracts made
 19 and executed in pursuance of law, prior to October 1, 1908, shall thereafter be
 20 given full force and effect, notwithstanding the change in management of the
 21 State institutions.

Sec. 27. OFFICIAL OATH.] Each managing officer, superintendent and stew-
 2 ard of a State institution, before entering upon his duties as such, shall take
 3 the constitutional oath of office and file the same in the office of the Secretary
 4 of State.

Sec. 28. ACTIONS AGAINST COMMISSIONERS OF CONTROL, MANAGERS OR OFFICERS
 2 OF STATE INSTITUTIONS.] No civil action shall be brought in any court against
 3 the commission or a commissioner of control, or an officer or manager of a
 4 State institution, for alleged damages because of any act done or failure to per-
 5 form any act, while discharging their official duties, without leave of a judge
 6 of the circuit court first had and obtained. Any just claim for damages against
 7 such commission or commissioner, officer, manager, or employe, for which the
 8 State would be legally or equitable liable, may be paid out of any moneys ap-
 9 propriated for the care of the insane.

Sec. 29. FIXING CHARGES FOR CARE OF INSANE.] The commissioners of control are

2 hereby vested with authority to fix and determine, by all proper rules and regula-
 3 tions, upon the sums and amounts to be charged for the care and maintenance of
 4 insane patients (other than poor and indigent patients); but such sums and charges
 5 are to be equal and like sums in all cases of adult patients, and are to be made and
 6 charged monthly, and in no case are to be in excess of the per capita charge or
 7 amount required to actually maintain and keep the patient in the hospital for the
 8 insane, to which the respective patients may be committed (exclusive of cost
 9 of buildings, physicians' care and attendance and officers' salaries); and upon
 10 such sums and amounts having been fixed by the said commissioners, by proper
 11 rules and regulations in the respective hospitals for the insane, the same and
 12 the amount so fixed and determined by the said rules and regulations shall be-
 13 come a charge against the estate and property of such inmate (insane person)
 14 and the persons liable under the law of this State for their charge and support,
 15 the same to be recovered in an action at law by the proper officers of the respec-
 16 tive institutions, in the corporate name of the institution; and the said com-
 17 mission of control, by such rules and regulations as it may determine, may ap-
 18 portion such cost and maintenance to the State and to the patient as aforesaid,
 19 to his estate and those liable for his support; but in no case shall any person be
 20 denied admission to a State hospital for the insane or be removed therefrom
 21 on account of his or her being a poor or an indigent person, or by reason of the
 22 failure of any person to comply with any of the rules and regulations so pre-
 23 scribed by the said commission of control. The cost and charges for the care
 24 and maintenance of poor and indigent patients in said hospitals for the insane
 25 shall be governed by the laws of this State heretofore in force and hereafter
 26 to be passed.

Sec. 30. PRIVATE INSTITUTIONS FOR THE INSANE.] No person, association

2 or corporation shall establish or keep an institution for the care, custody or

3 treatment of the insane, for compensation or hire, without first obtaining a li-
4 cense therefor from the commission. Every application for such license shall be
5 accompanied by a plan of the premises proposed to be occupied, describing the
6 capacities of the buildings for the uses intended, the extent and location of
7 ground appurtenant thereto, and the number of patients proposed to be re-
8 ceived therein, with such other information and in such form as the commission
9 may require. The commission shall not grant any such license without first hav-
10 ing made an examination of the premises proposed to be licensed, and being
11 satisfied that they are substantially as described, and are otherwise fit and
12 suitable for the purposes for which they are designed to be used, and that
13 such license should be granted. The commission may, at any and all times
14 examine and ascertain how far a licensed institution is conducted in compli-
15 ance with the license therefor, and after due notice to the institution and oppor-
16 tunity for it to be heard, the commission having made a record of the proceeding
17 upon such hearing, may, if the interests of the inmates of the institution so
18 demand, for just and reasonable cause then appearing and to be stated in its
19 order, amend or revoke any such license by an order to take effect within such
20 time after the service thereof upon the licensee, as the commission shall deter-
21 mine.

Sec. 31. RECOMMENDATIONS OF COMMISSION.] The authorities of each in-
2 stitution for the insane shall place on file in the office of the institution, the
3 recommendations made by the commissioners as a result of their visits, for the
4 purpose of consultation by such authorities and for reference by the commis-
5 sioners upon their visits.

Sec. 32. ACQUISITION OF PROPERTY FOR USE OF STATE HOSPITALS BY CON-
2 DEMNATION AND OTHERWISE.] The State Commission of Control may acquire,
3 under the condemnation law, such real estate, right or interest therein as may

4 be necessary for the construction, maintenance and accommodation of a State
 5 hospital, if unable to agree with the owner thereof for its purchase. The pro-
 6 ceedings for the purpose of acquiring such real estate, right or interest therein,
 7 shall be instituted and maintained in the name of the People of the State of
 8 Illinois, by the Attorney General or by such counsel as the Governor or At-
 9 torney General may designate for that purpose, upon the certificate of such
 10 commission as to the necessity of acquiring such real estate, right or interest
 11 therein, approved and endorsed by the Governor. The commission may ac-
 12 quire and hold in the name of and for the People of the State of Illinois, by
 13 grant, gift, devise or bequest, property to be applied to the maintenance of in-
 14 sane persons in and for the general use of a hospital.

Sec. 33. ERECTION, ALTERATION, REPAIRS AND IMPROVEMENTS OF STATE HOS-
 2 PITAL BUILDINGS.] All plans and specifications for the erection, alteration, re-
 3 pairs and improvements of State hospital buildings and other State institutions
 4 shall be prepared by the State architect; but the supervising engineer of the
 5 State Commission of Control may, when directed by the commission, prepare
 6 plans and specifications for the installation, alteration, repairs and improve-
 7 ments of the mechanical appliances and fixtures in the existing State and other
 8 State institutions, which, before adoption, shall be approved by the State Archi-
 9 tect. The State Commission of Control shall adopt or reject any such plans
 10 or specifications and no such work shall be begun until the plans and specifi-
 11 cations therefor have been adopted; but before the adoption thereof the com-
 12 mission shall submit the same to the board of managers of such said institu-
 13 tion and shall allow such board a period of not less than fifteen and not more
 14 than sixty days in which to submit a statement of their opinions and sugges-
 15 tions in regard thereto. Contracts for such erection, alteration, repairs and
 16 improvements may be left by the commission, subject to the approval of the
 17 Governor and State Auditor, for the whole or any part of the work to be per-

18 formed, and in the discretion of the commission such contracts may be sublet.
19 Special orders for such work in amounts less than one thousand dollars may
20 be issued by the State Architect upon authorization by the commission. The
21 commission shall determine to what extent and for what length of time adver-
22 tisements are to be inserted in newspapers for proposals for the erection, al-
23 teration, repairs or improvements of State institution buildings. A preliminary
24 deposit, or certified check drawn upon some legally incorporated bank in this
25 State shall in all cases be required as an evidence of good faith upon all pro-
26 posals for buildings, alterations, repairs or improvements, to be deposited with
27 the State Treasurer in an amount to be determined by the State Architect, but
28 work done by special orders in an amount less than one thousand dollars need
29 have no such deposit or check, provided payment is to be made only after the
30 work is completed and approved. All contracts in an amount greater than one
31 thousand dollars shall have the performance thereof secured by a sufficient bond
32 or bonds to be approved by and filed with the commission. The work of erec-
33 tion, alteration, repairs or improvements of any building or plant may be done
34 by the employment of inmates or outside labor, either or both, and by the pur-
35 chase of materials in the open market whenever, in the opinion of the commis-
36 sion and the State Architect, such course shall be more advantageous to the
37 State, but no compensation shall be allowed for the employment of inmate labor.
38 Where money is appropriated for any specific purpose other than maintenance
39 and the work, materials, furniture, apparatus or other supplies are not to be
40 performed or purchased pursuant to contract or special order duly made there-
41 for, such money shall be expended pursuant to special fund estimates made to
42 the commission by the managing officer of the State institution for which such
43 appropriation is made. The law governing the revision of estimates of the ex-
44 pense required for the State institutions for the insane shall apply to such
45 estimates, and when such work is to be performed in accordance with the

46 plans and specifications prepared by the State Architect, or is to be paid for
 47 from appropriations for the erection, alteration, repairs or improvements of
 48 buildings or plant, such estimates shall also be subject to his approval. Except
 49 as above specified, all such work shall be done by contract or special order.
 50 The form of the contract or special order shall be prescribed by the State Archi-
 51 tect. All payments on contracts or special orders shall be made on the certifi-
 52 cate of the State Architect, approved by the commission, as the work pro-
 53 gresses or the purchase of material is made, and upon bills duly certified. No
 54 item of an appropriation made for the performance of such work shall be
 55 available except for advertising, unless one or more contracts, special orders or
 56 special fund estimates shall first have been made for the completion of such
 57 work within the appropriation therefor. All contracts for the erection, altera-
 58 tion, repairs or improvements of State institutions shall contain a clause that
 59 the contract shall only be deemed executory to the extent of the moneys avail-
 60 able, and no liability shall be incurred by the State beyond the moneys avail-
 61 able for the purpose. If any appropriation be made for the erection, altera-
 62 tion, repairs or improvements of buildings or plant in an appropriation Act
 63 specifying two or more objects for which the appropriations are made, and any
 64 one of such objects shall have been accomplished for a sum less than the amount
 65 specified in the Act, the unexpended balance shall be applicable to the comple-
 66 tion of any other work specified in the Act, provided that after due advertise-
 67 ment no bids shall have been received within the amount specifically appro-
 68 priated therefor.

Sec. 34. STREETS AND RAILROADS THROUGH HOSPITAL LANDS.] No public street
 2 or road for railroad or other purposes shall be opened through the lands of
 3 any institution to which this Act applies, unless the Legislature by special law
 4 consents thereto.

Sec. 35. The commission may appoint agents, to be approved by the Board
 2 of Managers of the respective institutions for which any agent may be ap-
 3 pointed, whose duty it shall be to secure from relatives and friends who are
 4 liable therefor, or who may be willing to assume the cost of support of any of
 5 the inmates of State hospitals as are being supported by the State, reimburse-
 6 ment in whole or in part of the money so expended. The compensation of each
 7 agent shall not exceed five dollars a day and the necessary traveling and other
 8 incidental expenses incurred by him, to be approved by the State Auditor.
 9 The commission may fix a rate to be paid for the support of the inmates of
 10 State hospitals by relatives liable for such support or by those not liable for
 11 such support, but willing to assume the cost thereof; but such rate shall be suf-
 12 ficient to cover a proper proportion of the cost of maintenance per capita (ex-
 13 clusive of cost of buildings, physicians' care and attendance and officers' sal-
 14 aries.) The maintenance of any inmate of a State hospital, committed thereto
 15 upon a court order arising out of any criminal action or proceeding, shall be
 16 paid by the county from which such inmate was committed.

Sec. 36. LIABILITY FOR THE CARE AND SUPPORT OF THE INSANE OTHER THAN
 2 THE POOR AND INDIGENT.] The father, grandfather, mother, grandmother,
 3 children, grandchildren, brothers or sisters of an insane person, if of sufficient
 4 ability, and the conservator of his person and estate, if his estate is sufficient for
 5 the purpose, shall cause him to be properly and suitably cared for and main-
 6 tained.

7 The costs and charges of the commitment and transfer of such insane per-
 8 son to a State hospital shall be paid by the conservator, or the father, grand-
 9 father, mother, grandmother, children, grandchildren, brothers or sisters of
 10 such person, to be recovered in an action brought in the name of the people by
 11 the commission, the hospital for the insane, by its corporate name, the county, or
 12 the overseer of the poor of the town where such insane person may be, but

13 there shall be but one recovery for any sum due. In all claims of the State
 14 upon relative liable for the support of a patient or upon moneys or property
 15 held by said patient, the State shall be deemed a preferred creditor.

Sec. 37. ENTRIES IN CASE BOOK.] Every superintendent or other person in
 2 charge of a State institution for the care and treatment of the insane shall, with-
 3 in three days after the reception of a patient, make, or cause to be made, a de-
 4 scriptive entry of such case in a book exclusively set apart for that purpose.
 5 He shall also make or cause to be made entries, from time to time, of the
 6 mental state, bodily condition and medical treatment of such patient during the
 7 time such patient remains under his care, and in the event of the discharge or
 8 death of such person, he shall state in such book the circumstances thereof, and
 9 make such other entries at such intervals of time and in such form as may be
 10 required by the commission.

Sec. 38. TRANSFER OF PATIENTS WHEN HOSPITAL IS OVERCROWDED.] When the
 2 building of any State hospital shall become overcrowded with patients, or the
 3 number of buildings shall be reduced by fire or other casualties or for other
 4 causes, the commission may, in its discretion, cause the transfer of patients
 5 therefrom, or direct that patients required to be sent thereto, be transferred
 6 to another State hospital, where they can be conveniently received, or make, in
 7 special emergencies, temporary provision for their care, preference to be given in
 8 such transfers to a hospital in an adjoining rather than in a remote district.
 9 The expenses of such transfer shall be chargeable to the State, and the bills for
 10 the same, when approved by the commission, shall be paid by the Treasurer of
 11 the State, on the warrant of the State Auditor, out of any moneys provided for
 12 the support of the insane.

Sec. 39. INVESTIGATION INTO THE CARE AND TREATMENT OF THE INSANE.] When
 2 the commission has reason to believe that any person adjudged insane is wrong-

3 fully deprived of his liberty, or is cruelly, negligently or improperly treated,
 4 or inadequate provision is made for his skillful medical care, proper super-
 5 vision and safe keeping, it may ascertain the facts, or may order an investiga-
 6 tion of the facts by one of its members. It, or the commissioner conducting the
 7 proceeding, may issue compulsory process for the attendance of witnesses and
 8 the production of papers, and exercise the powers conferred upon a master in
 9 chancery in the circuit court. If the commission deem it proper, it may issue
 10 an order, directed to any or all institutions, directing and providing for such
 11 remedy or treatment, or both, as shall be therein specified. Whenever the
 12 commission shall undertake an investigation into the general management and
 13 administration of any institution for the insane, it may give notices to the At-
 14 torney General of any such investigation, and the Attorney General shall ap-
 15 pear personally or by deputy and examine witnesses who may be in attend-
 16 ance. The commission, or any member thereof, may at any time visit and
 17 examine the inmates of any county or city almshouse, to ascertain if insane
 18 persons are kept therein.

Sec. 40. HABEAS CORPUS.] Any one in custody as an insane person is entitled
 2 to a writ of habeas corpus upon a proper application made by him or some
 3 friend in his behalf. Upon the return of such writ, the fact of his insanity shall
 4 be inquired into and determined. The medical history of the patient, as it ap-
 5 pears in the case book, shall be given in evidence, and the superintendent or
 6 medical officer in charge of the institution wherein such person is held in cus-
 7 tody, and any proper person, shall be sworn, touching the mental condition
 8 of such person.

Sec. 41. DISCHARGE OF PATIENTS.] The superintendent of a State hospital, on
 2 filing his written certificate with the commission, may discharge any patient,
 3 except one held upon an order of a court or judge having criminal jurisdiction

4 in an action or proceeding arising out of a criminal offense at any time, as
5 follows:

6 1. A patient who, in his judgment, is recovered.

7 1a. A person who, in his opinion, is not insane, including dotards.

8 2. Any patient who is not recovered but whose discharge, in the judgment
9 of the superintendent, will not be detrimental to the public welfare, or injurious
10 to the patient: *Provided, however*, that before making such certificate, the su-
11 perintendent shall satisfy himself, by sufficient proof, that friends or relatives
12 of the patient are willing and financially able to receive and properly care for
13 such patient after his discharge.

14 The superintendent may grant a parole to a patient, not exceeding thirty
15 days, under general conditions prescribed by the commission.

16 A poor and indigent patient discharged by the superintendent because he
17 is an idiot, or a dotard, not insane, or an epileptic, not insane, or because he is
18 not a proper case for treatment within the meaning of this chapter, shall be
19 received and cared for, by the superintendent of the poor or other authority
20 having similar power, in the county from which he was committed. A patient
21 held upon an order of a court or judge having criminal jurisdiction, in an
22 action or proceeding arising from a criminal offense, may be discharged upon
23 the superintendent's certificate of recovery, approved by any such court or
24 judge.

Sec. 42. CLOTHING AND MONEY TO BE FURNISHED DISCHARGED PATIENTS.] No
2 patient shall be discharged from a State hospital without suitable clothing
3 adapted to the season in which he is discharged; and if it can not be otherwise
4 obtained, the steward shall, upon the order of the superintendent, furnish the
5 same, and money, not exceeding twenty-five dollars, to defray his necessary
6 expenses until he can reach his relatives or friends, or find employment to
7 earn a subsistence.

Sec. 43. TRANSFER OF NON-RESIDENT PATIENTS.] If an order be issued by
 2 any judge, committing to a State hospital a poor or indigent person, who has
 3 not acquired a legal settlement in this State, the commission of control shall re-
 4 turn such insane person, either before or after his admission to a State hospital,
 5 to the country or state to which he belongs, and for such purposes may expend so
 6 much of the money appropriated for the care of the insane as may be necessary,
 7 subject to the audit of the State Auditor.

Sec. 44. SALE OF UNCLAIMED PERSONAL PROPERTY OF DISCHARGED OR DECEASED
 2 PATIENTS.] All articles of personal property belonging to a discharged or de-
 3 ceased patient of a State hospital for the insane and in the custody of the su-
 4 perintendent or other proper officer of such hospital, may, if unclaimed by such
 5 discharged patient, or the legal representative of such deceased patient, for
 6 a period of six months after the discharge or decease of such patient, be sold
 7 at public auction in such manner and after such notice or advertisement as the
 8 commission shall prescribe, and the proceeds of such sale shall be paid into the
 9 amusement fund of such hospital.

Sec. 45. The Illinois Asylum for Insane Criminals, as constituted and es-
 2 tablished under an Act entitled "An Act to provide for the location, erection,
 3 organization and management of an asylum for insane criminals, and making
 4 an appropriation for the construction of necessary buildings," approved June
 5 1, 1889, in force July 1, 1889, is hereby declared to be under the jurisdiction of
 6 said Commission of Control, when established, and the same is to be controlled
 7 and managed by the provisions of this Act, the Commission of Control, a board
 8 of managers, consisting of five members as herein provided, and subject to all
 9 the provisions of this Act, in the management and purchase of supplies for
 10 the said institution and the making of reports; but nothing herein contained
 11 shall be construed to amend or repeal sections six, seven, eight, nine, ten and

12 eleven of the Act in this section referred to and establishing the said Illinois
13 Asylum for Insane Criminals.

Sec. 46. The cost of the care and maintenance of persons so committed to
2 the said Illinois Asylum for Insane Criminals shall be defrayed in the manner
3 now provided for by law, out of the treasury of the State of Illinois; but in the
4 superintendence of the said institution and the expenditure of said moneys, the
5 same shall be fully under the management and control of the Commission of
6 Control and a board of managers as provided for in this Act.

ARTICLE 2.

STATE INSTITUTIONS.

Sec. 47. The Illinois Asylum for Feeble Minded Children, at Lincoln, in
, 2 the county of Logan, as established under the laws of 1865, and as
3 amended; the Soldiers' and Sailors' Home, at Quincy, in the county of Adams,
4 as established under the laws of 1885, and as amended; the Illinois Industrial
5 Home for the Blind, at Chicago, in the county of Cook, as established under the
6 laws of 1887, and as amended; the Illinois Charitable Eye and Ear Infirmary,
7 at Chicago, in the county of Cook, as established under the laws of 1865, and as
8 amended; the Soldiers' Widows' Home of Illinois, at Wilmington, in the
9 county of Will, as established under the laws of 1895, and as amended; the St.
10 Charles School for Boys, at St. Charles, in the county of Kane, as established
11 by an Act passed and approved May 10, 1901, in force July 1, 1901; the State
12 Home for Female Juvenile Offenders, at Geneva, in the county of Kane, as es-
13 tablished by an Act approved June 22, 1893, in force July 1, 1893; the Illinois Sol-
14 diers' Orphans' Home, at Normal, in the county of McLean, as established under
15 the laws of 1865, the School for the Deaf and the School for the Education of the
16 Blind, at Jacksonville, in the county of Morgan, are, and each of them is, hereby

17 continued as State institutions, for the purposes for which they were established
18 and under the various acts by which they were established. The Illinois State
19 Penitentiary at Joliet, in the county of Will, shall hereafter be the general re-
20 formatory and prison of the State of Illinois, in which all male and female
21 persons who have been convicted of crime and who have been duly sentenced
22 and removed thereto, according to the law, shall be imprisoned and detained
23 with the sentences or orders of said court, and the rules and regulations of said
24 reformatory and prison, the Southern Illinois Penitentiary, located at Chester,
25 in the county of Randolph, and the Illinois State Reformatory, located at Pon-
26 tiac, in the county of Livingston, shall henceforth cease to be a separate and
27 distinct institution, and shall be hereafter a division of, or a branch of a sub-
28 sidiary to the general reformatory and prison of the State of Illi-
29 nois at Joliet, in the county of Will. Except as herein in this Act
30 amended and changed, the said institutions and each of them are here-
31 by declared to be under the jurisdiction and control, and subject to the
32 supervision, of said commissioners of control, who shall exercise all of the
33 power and authority hereinbefore granted to said Commission of Control over
34 State institutions, in so far as the same may be applicable to said institutions;
35 and all provisions and supplies necessary to be purchased and provided for in
36 said institutions, shall be purchased and provided for under the authority of the
37 general purchasing department of the State, hereafter to be provided by said
38 Commission of Control, under the provisions of this Act; and each of said in-
39 stitutions shall have a steward; and the method of furnishing, providing, acquir-
40 ing and reporting as to supplies and necessities of each of said institutions shall
41 be the same, as near as may be, as the provisions hereinbefore provided and
42 enacted for the regulation and management of the hospitals for the insane.

Sec. 48. Each of said institutions, the Illinois Asylum for Feeble Minded
2 Children, at Lincoln; the Soldiers' and Sailors' Home, at Quincy; the Illinois

3 Industrial Home for the Blind, at Chicago; the Illinois Charitable Eye and Ear
 4 Infirmary, at Chicago; the Soldiers' Widows' Home of Illinois, at Wilmington;
 5 the St. Charles School for Boys, at St. Charles; the State Home for Juvenile
 6 Female Offenders, at Geneva; and the Illinois Orphans' Home, at Normal; the
 7 School for Deaf and the School for the Education of the Blind, at Jackson-
 8 ville, in the county of Morgan, and the State Reformatory and Prison of the
 9 State of Illinois, at Joliet, in the county of Will, and the branches
 10 thereof, as provided for in section 47 of this Act, shall be under the
 11 control and management of a board of managers, subject to the statu-
 12 tory powers of the commission. On or after the first of October, nineteen
 13 hundred and eight, the Governor shall appoint a board, consisting of five mem-
 14 bers, not more than three of whom shall belong to or be affiliated with the same
 15 political party. He shall so arrange their terms of office of one, two, three,
 16 four and five years, that a term shall expire on the thirtieth day of September
 17 in each year, beginning with the year nineteen hundred and nine. After the
 18 expiration of such terms, managers shall be appointed for terms of five years.
 19 If a vacancy occurs, otherwise than by expiration of term, the appointment
 20 of the managers to fill such vacancy shall be for the unexpired term of the man-
 21 ager whose office became vacant.

Sec. 49. APPOINTMENT AND REMOVAL OF MANAGERS.] The members of the
 2 boards of managers provided for in section 52 of this Act shall be appointed
 3 by the Governor, by and with the advice and consent of the Senate, as often
 4 as a vacancy shall occur by expiration of term or otherwise, and they may
 5 severally continue in office until their successors are appointed and have quali-
 6 fied; and they shall be subject to removal by the Governor, after having been
 7 notified in writing of the reasons for the proposed removal and having been
 8 given an opportunity to be heard. All managers shall be residents of the State
 9 of Illinois. No person shall be eligible to the office of such manager who is either

10 an elective State officer or a member of the Legislature, and if any such mana-
 11 ger shall become a member of the Legislature or an elective State officer, his
 12 office as such manager shall thereupon be vacant. If any such manager fails
 13 for a period of six months to attend the regular meetings of the board of which
 14 he is a member, the secretary of the board shall notify the Governor of such
 15 absence, with any explanation thereof which may be submitted by such mana-
 16 ger, and unless the Governor shall, within thirty days thereafter, notify the
 17 secretary that he has excused such manager for such absence, the office of such
 18 manager shall thereupon be deemed to be vacant; and if any manager fails
 19 for one year to attend such regular meetings, his office shall become vacant.
 20 When any such vacancy shall occur the board, by resolution, shall so declare,
 21 and a certified copy of such resolution shall forthwith be transmitted by the
 22 board to the commission and to the Governor. In the month of January of
 23 each year the secretary of the board of managers shall transmit to the Gov-
 24 ernor a statement showing the record of attendance of each manager at meet-
 25 ings of the board, the number and dates of visits to the hospital, with a state-
 26 ment of any other work for the hospital performed by such manager, which
 27 said manager may request to have transmitted to the Governor. The manager
 28 whose term is first to expire shall act as president of the board of managers
 29 of each said institution.

Sec. 50. GENERAL POWERS AND DUTIES OF BOARDS OF MANAGERS.] The powers
 2 and duties conferred upon the board of managers of the hospitals for the in-
 3 sane under section 19 of this Act, so far as the same may be applicable, shall
 4 be and hereby are conferred upon the board of managers of the said institu-
 5 tions provided for in section 48 of this Act, unless otherwise provided for in
 6 this Act.

Sec. 51. OFFICERS.] The commission of control shall appoint for each
 2 of said institutions as often as a vacancy shall occur therein, a superintendent

3 or warden, as the case may be. Wherever a vacancy shall occur in the office of
 4 superintendent of any of said institutions, other than the State reformatory and
 5 prison and the branches thereof, the commission of control may transfer to such
 6 position the superintendent of any other of said institutions. The superinten-
 7 dent or warden, as the case may be, may be removed by a vote of a majority
 8 of the board of managers, for cause stated in writing, and after an opportunity
 9 has been given him to be heard thereon, and such action, when approved by the
 10 commission, shall be final. Pending the investigation of any charges against a
 11 superintendent or warden, as the case may be, and the decision thereon, the
 12 board of managers may suspend such superintendent or warden, as the case
 13 may be. The commission may prefer charges of misconduct or incompetency
 14 against any superintendent, or the warden of the State reformatory and prison
 15 and the branches thereof, to the board of managers of the hospital of which
 16 he is superintendent or warden, and the board shall thereupon investigate the
 17 truth of such charges. On the first day of October, nineteen hundred and eight,
 18 the office of treasurer in each of the said State institutions shall be abolished
 19 and thereafter all bills, claims and obligations incurred in behalf of said insti-
 20 tutions shall be paid in the same manner as provided hereinbefore for the pay-
 21 ment of the bills, claims and demands against the hospitals for insane, other
 22 than the State reformatory and prison, and the branches thereof.

Sec. 52. The superintendent of each of said institutions shall be its chief
 2 executive officer, and in his absence or sickness, an assistant superintendent of
 3 the said institutions, and who shall exercise the powers and be subject to the
 4 responsibilities of the superintendent, shall be provided for by the rules and
 5 regulations of the said commission. Subject to the by-laws and regulations es-
 6 tablished by the commission and the managers under the provisions of this
 7 Act, the superintendent shall have general superintendence of the buildings,
 8 grounds and farm, together with their furniture, fixtures and stock, and the di

9 rection and control of all persons therein, and subject to such by-laws and
10 regulations as may be provided for by the said Commission of Control.

Sec. 53. All of the powers, duties and regulations provided for the pur-
2 chasing steward of the State Hospital for the Insane, under section 22 of this
3 Act, shall be extended to the said institutions provided for in section 47 of
4 this Act; and each of said institutions shall have a purchasing steward, with
5 all of the powers, duties and responsibilities of purchasing stewards, as pro-
6 vided for hereinbefore in this Act, and be subject to all of the rules and regula-
7 tions and provisions herein enacted and hereafter to be provided for in a pur-
8 chasing department for all of the institutions and hospitals under the control
9 of the said Commission of Control.

Sec. 54. Nothing in this Act shall be construed to amend, revise or repeal
2 any of the provisions of the Acts establishing the institutions set out and
3 described in section 51 of this Act, except as herein specially provided; and
4 to the end that the spirit and intent of this Act shall be fully carried out as
5 to the said Illinois Asylum for Feeble Minded, at Lincoln; the Illinois Industrial
6 Home for the Blind, at the city of Chicago; the Soldiers' and Sailors' Home, at
7 Quincy; the Illinois Charitable Eye and Ear Infirmary, at Chicago; the Sol-
8 diers' Widows' Home of Illinois, at Wilmington; the St. Charles School for
9 Boys, at St. Charles; the State Home for Juvenile Female Offenders, at Geneva;
10 and the Illinois Soldiers' Orphans' Home, at Normal, the School for the Deaf
11 and the School for the Education of the Blind, at Jacksonville, in the county
12 of Morgan, under the provisions and terms of this Act, said institutions, as
13 to all matters and regulations not herein provided for, shall be subject to the
14 jurisdiction and control of the specific Acts under which the said institutions
15 were respectively established.

STATE REFORMATORY AND PRISON.

Sec. 55. GENERAL PROVISIONS.] The State institution at Joliet, in the
2 county of Will, now known as the Illinois State Penitentiary shall hereafter
3 be the general reformatory and prison of the State of Illinois, in which all male
4 and female persons who have been convicted of crime in the courts of this State
5 and who have been duly sentenced or removed thereto according to law, shall
6 be imprisoned and detained in accordance with the sentences or orders of said
7 courts, and the rules and regulations of said reformatory and prison.

8 The Southern Illinois Penitentiary, located at Chester, in the county of
9 Randolph, and the Illinois State Reformatory, located at Pontiac, in the county
10 of Livingston, shall henceforth cease to be as separate and distinct institutions
11 and shall hereafter be divisions of and branches of, and subsidiary to, the gen-
12 eral reformatory and prison of the State of Illinois at Joliet.

Sec 56. THE BOARD OF PRISON MANAGERS.] There shall be a board of re-
2 formatory and prison managers, consisting of five persons, not more than three
3 of whom shall be affiliated with or belong to the same political party, and one
4 of whom shall be appointed annually in June of each year by the Governor, by
5 and with the advice and consent of the Senate, for a term of five years from
6 the first Wednesday of July in each year. The said board of reformatory and
7 prison managers shall be immediately appointed upon the passage of this Act,
8 and when appointed shall determine by lot, the length of their respective terms,
9 one of them retiring at the end of each year, and thereafter, one member of
10 said board shall be appointed each year for the time aforesaid. The chairman
11 of the board, who shall always be the member having the shortest term to
12 serve, shall be the presiding officer at all meetings of the board and shall hold
13 his office for one year, and shall be the executive officer of said board, and shall
14 sign all official documents, emanating from or authorized by said board. The
15 chairman shall receive a salary of four thousand dollars per year. The other

16 members of the board shall receive as compensation thirty-five hundred dol-
 17 lars annually. They and their chairman shall be reimbursed their actual traveling
 18 expenses, which are incurred while they are actually engaged in the perform-
 19 ance of their official duties. No member of the board shall be concerned, or
 20 interested, directly or indirectly, in any contract purchase or sale which is made
 21 on account of the general reformatory and prison or the branches thereof. One
 22 of said members of the board shall have been connected with a penal or re-
 23 formatory institution for at least three years, and have had actual experience
 24 in the care and treatment and education of the inmates of such an institution,
 25 and experience in the management thereof. One of said members shall be
 26 qualified by education and experience to advise the board regarding the school-
 27 ing and education of the inmates of such institution, and shall have at least
 28 three years' experience in the management of graded schools. One member shall
 29 by education and experience be an engineer and architect and whose duties will
 30 be to see that the great power plants are kept in good order and recommend
 31 various changes to be made in the plants, and supervise the working thereof.
 32 One member shall be a reputable attorney and a counselor at law of the courts of
 33 this State, of not less than ten years' standing. One member shall be a business
 34 man, a man accustomed to supervising the work of clerical assistants, and whose
 35 duties will be to call to the attention of the board the various estimates of
 36 the institution, and to be the directing member in regard to all contracts.

Sec. 57. CLERICAL ASSISTANTS.] The board of managers may expend an-
 2 nually for clerical assistance, such sums as may be appropriated therefor by
 3 the legislature.

Sec. 58. DUTIES—RULES.] The said board shall have the general super-
 2 vision of the State Reformatory and Prison, and the branches thereof, and
 3 with the commissioners of control, shall make rules for the direction of the
 4 officers of the institution, in the performance of their duties for the govern-

5 ment, discipline and instruction of the inmates thereof, for the custody and
 6 preservation of the property connected therewith, for the supply of food,
 7 clothing, bedding, etc. As soon as may be after such rules have been made, the
 8 manager shall submit copies thereof to the Governor and the Senate, who
 9 may approve, annul or modify them

Sec. 59. VISITS TO THE STATE REFORMATORY AND PRISON.] The full board shall
 2 visit the State Reformatory and Prison and the branches thereof, each month,
 3 and shall make a thorough examination thereof. They shall forthwith report
 4 to the Governor and Senate after such visits, any violation of law or neglect,
 5 or omission of duty which comes to their knowledge, of any officer of said
 6 institutions.

Sec. 60. REPORTS BY CLERKS.] Clerks of courts shall annually on or before
 2 the fifteenth day of October of each year make a report to the board of man-
 3 agers of said reformatory and prison, and the branches thereof, of all criminal
 4 cases which were commenced in the courts in the several counties during the
 5 year ending on the 30th day of September, and of all criminal cases entered
 6 therein on appeal during such time. The clerks of police, circuit and municipal
 7 courts, or the justices, if there are no clerks, shall annually at the same time,
 8 and for the same period, make a like report of all criminal cases, in which such
 9 courts or justices have exercised jurisdiction and shall state whether such juris-
 10 diction was final or otherwise. Blank forms for such reports shall be pre-
 11 pared and furnished by the said board of prison managers. Whoever refuses
 12 or neglects to make the report required of him by this section, shall forfeit two
 13 hundred dollars.

Sec. 61. CLASSIFICATION, REGISTRATION AND IDENTIFICATION.] The said board
 2 of managers shall provide for grading and classifying the prisoners in the
 3 general reformatory and prison and the branches thereof, and may establish

4 rules for dealing with the prisoners according to their conduct, industry, and
 5 labor, and diligence in study. The said board shall, as far as it is practicable,
 6 so classify prisoners, with reference to their sex, age, character, condition and
 7 offenses, as to promote their reformation and safe custody, and the economy of
 8 their support, and to secure the separation of male and female prisoners.
 9 The said board the warden shall thoroughly classify the inmates of
 10 said reformatory and prison, segregating the habitual offenders from the
 11 first or slight offenders, confining said habitual offenders in the branch of
 12 said reformatory and prison at Chester and securing the distinct separation
 13 of the youths sentenced to said reformatory and prison, from other inmates
 14 of said institution, keeping them confined in the branch thereof at Pontiac, mak-
 15 ing of that branch a reform school in fact and the reform school of said re-
 16 formatory and prison.

Sec. 62. PRISONERS TO BE MEASURED AND DESCRIBED.] Prisoners, if deemed
 2 advisable for the purpose of subsequent identification, shall be measured and
 3 described in accordance with the Bortillon method, for the identification of crim-
 4 inals. Unless otherwise ordered by the court, there shall also be taken a photo-
 5 graph of each prisoner committed to the general reformatory and prison of the
 6 State, and the name, age height and weight and a general description of such per-
 7 son, and copies of his finger prints in accordance with the finger print system
 8 of identification of criminals. The photographs and identifying matter ob-
 9 tained in accordance with the provisions of this Act shall be kept in the office
 10 of the board of managers, at said institution. The said managers may send
 11 or cause to be sent, to any national bureau of identification, or police authori-
 12 ties, within or without the State, the measurements and description of all
 13 prisoners.

Sec. 63. RECORD OF MEASUREMENTS.] The said board shall keep, or cause
 2 to be kept, a record of such measurements and descriptions and of the crimi-

3 nal history of prisoners, so measured and described as shown by the record
 4 of the courts of this State, or of any other state, or by any other official rec-
 5 ords which are accessible and shall attach to the record or file of each prisoner,
 6 in such manner as readily to be found, a photograph or photographs of each
 7 prisoner.

Sec. 64. PAROLE AUTHORITY GIVEN BOARD.] The said board of managers
 2 shall succeed to all the powers and duties of the "State Board of Pardons,"
 3 provided for in an Act entitled, "An Act to create a State Board of Pardons,
 4 and to regulate the manner of applying for pardons and commutations," ap-
 5 proved June 5, 1897, in force July 1, 1897, and as amended. The "board of
 6 pardons" shall have no further legal existance, and the said board of managers
 7 created by this Act is hereby vested with all the powers and duties given by
 8 law to the said "State Board of Pardons."

Sec. 65. BOARD GIVEN POWERS AND DUTIES OF BOARD OF PRISON INDUSTRIES.]
 2 The said board of managers shall succeed to all powers and duties of the board
 3 of prison industries of Illinois, provided for in an Act entitled, "An
 4 Act to regulate the employment of convicts and prisoners in the penal and
 5 reformatory institutions of the State of Illinois, and providing for the disposi-
 6 tion of the products of their skill and industry," approved May 11, 1903, in
 7 force July 1, 1903, and as amended. The board of prison industries shall have
 8 no further legal existance, and the board of managers created by this Act is
 9 hereby vested with all the powers and duties given by law to the said board of
 10 prison industries of Illinois.

Sec. 66. STATE TREASURER TO BE TREASURER OF THE BOARD.] The State Treas-
 2 urer shall act as treasurer of all the funds in the jurisdiction of the board of
 3 managers, and shall pay no moneys except in accordance with the provisions
 4 of this Act. Institution money in the hands of the treasurers of the Illinois

5 State Reformatory at Pontiac, of the Southern Illinois Penitentiary at Ches-
 6 ter, and the Illinois State Penitentiary at Joliet, and in the hands or control
 7 of the board of managers of the said reformatory and the commissioners of
 8 the said penitentiaries at Chester and Joliet, immediately, when this Act goes
 9 into effect, shall be transferred to the State Treasurer. The moneys hereto-
 10 fore collected from various sources, by the said State institutions, whomsoever
 11 said authorities shall be, when this Act goes into effect, shall be transmitted
 12 forthwith by said authorities to the State Treasurer. Moneys collected from
 13 various sources, such as the sale of farm products, and the receipts from vari-
 14 ous industries of the said State institutions, shall be transmitted immediately to
 15 the State Treasurer and a detailed statement of such collections shall be made to
 16 the board of managers, and the State Commission of Control appointed by the
 17 Governor in accordance with this Act, by the managing officers of said insti-
 18 tutions.

Sec. 67. EMPLOYMENT OF PERSONS RESTRICTED.] No one in charge of and
 2 connected with any of the institutions mentioned in this Act, or the institutions
 3 to which this Act implies, shall appoint, promote, re-instate, suspend or dis-
 4 charge any person employed or seeking employment by the authorities of any
 5 such institution at the request of any executive, administrative or judicial of-
 6 ficer, clerk or employe of any branch of the government of the State, or any
 7 of the political divisions of said State; nor shall any said public officer, or body
 8 or any member or members elect thereof, or candidate for, directly or indirect-
 9 ly, advocate, oppose or otherwise interfere on or make any request, recom-
 10 mendation, endorsement, requirement or certificate relative to, and the same if
 11 made shall not be required as a condition precedent to or be in any way re-
 12 garded or permitted to influence or control the appointment or promotion and
 13 reinstatement or retention of any person employed or seeking employment, by
 14 authorities of any such institutions, and no such person shall solicit, obtain,

15 exhibit or otherwise make use of any such official request at the recommenda-
16 tion or certificate or endorsement of any act of any existing or desired em-
17 ployment by a public service corporation.

Sec. 68. PENALTIES.] Any person violating the provisions of this Act shall
2 be punished by a fine of not less than fifty dollars (\$50.00) nor more than one
3 hundred dollars (\$100.00) for each offense.

Sec. 69. CRIMES COMMITTED IN THE REFORMATORY AND PRISON, AND THE
2 BRANCHES THEREOF.] The several courts of the counties of Will, Livingston and
3 Randolph, having criminal jurisdiction, shall take cognizance of all crimes com-
4 mitted within the reformatory and prison and the branches thereof by the
5 convicts charged with such crimes in the same manner and subject to the
6 same rules and limitations as are now established by law in relation to other
7 persons charged with crimes in said counties; but in case of conviction, the
8 sentence of said convict shall not commence to run until the expiration of the
9 sentence under which he is then held in confinement in said reformatory and
10 prison and the branches thereof: *Provided*, that in case such convict shall be
11 sentenced to punishment by death, such sentence shall be executed at such time
12 as the court shall fix, without regard to the sentence under which such convict
13 may be held in the reformatory and prison and the branches thereof: *Pro-*
14 *vided, further*, that all fees and costs arising from the prosecution of convicts
15 for crimes committed in the reformatory and prison and the branches thereof,
16 which the county is now required to pay in like cases, shall be paid by the State.

Sec 70. CHAPLAIN TO READ RULES.] It shall be the duty of the chaplain to
2 read to the inmates, at least once each month, the rules and regulations of the
3 reformatory and prison and the branches thereof, so far as the same relates to
4 such inmates, and to make such explanations of the same as he shall deem
5 proper.

Sec. 71. DISCIPLINE—ESCAPE—KILLING CONVICT.] Whenever several convicts,
 2 or any single convict shall offer violence to any officer or guard of the reform-
 3 atory and prison or the branches thereof, or to any convict, or do or attempt
 4 to do any injury to any building or workshop, or any appurtenances thereof,
 5 or shall attempt to escape, or shall disobey or resist any lawful command, the
 6 officers of the reformatory and the branches thereof and guards there-
 7 of, shall use all suitable means to defend themselves, to enforce the observance
 8 of discipline, to secure the persons of the offenders, and prevent such at-
 9 tempted violence or escape; and if said officers or guards employed in said
 10 reformatory and prison and the branches thereof, shall, in the attempt to pre-
 11 vent the escape of any convict, or in attempting to retake any convict who has
 12 escaped, or in attempting to prevent or suppress a riot, revolt, mutiny or in-
 13 surrection, take the life of a convict, such officer or guard shall not be held
 14 responsible therefor, unless the same was done wantonly or unnecessarily.

Sec. 72. SICKNESS OF CONVICT.] It shall be the duty of such physician, in
 2 case of any convict claiming to be unable to labor by reason of sickness, to
 3 examine such convict; and if it is his opinion, upon such examination, that such
 4 convict is unable to labor, he shall immediately certify the same to the warden,
 5 and such convict shall thereupon be relieved from labor and admitted to the
 6 hospital, or placed in his cell or elsewhere for medical treatment, as said
 7 physician shall direct, having a due regard for the safe keeping of such con-
 8 vict; and such convict shall not be required to labor so long as in the opinion
 9 of said physician such disability shall continue; and whenever said physician
 10 shall certify to the warden that such convict is sufficiently recovered to be able
 11 to labor, said convict shall be required to labor, but not before.

Sec. 73. CRUEL PUNISHMENTS PROHIBITED.] It shall not be lawful in said
 2 reformatory and prison and the branches thereof to use any cruel or unusual

3 mode of punishment—such as hanging up to the bars, etc—or to punish any
4 inmate by whipping in any case whatever.

Sec. 74. TRANSFER OF INMATES.] The board of managers in order to prop-
2 erly classify and segregate the inmates shall have the power to transfer in-
3 mates from the reformatory and prison at Joliet, to the branches of said insti-
4 tutions in Chester and Pontiac.

Sec. 75. WARDENS, ETC., CONSERVATOR OF THE PEACE.] The warden, deputy
2 wardens, the guards and keepers of the reformatory and prison and the
3 branches thereof, shall be conservators of the peace, and all officers created
4 conservators of the peace by this Act shall have power to arrest, or cause to be
5 arrested, with or without process, upon any grounds owned or leased by the
6 State of Illinois, and used by said reformatory and prison and the branches
7 thereof, all persons who shall break the peace, or be found upon said grounds
8 violating any criminal law of this State, and take such persons before a mag-
9 istrate for trial.

Sec. 76. CERTIFICATE OF RESTORATION.] The Governor shall have the right
2 to grant any convict or inmate that has been, now is, or may hereafter be
3 confined in the reformatory and prison and the branches thereof, whom he shall
4 deem proper to enjoy that privilege, a certificate of restoration to all his
5 rights of citizenship, as provided by law, although such inmate may have been
6 guilty of an infraction of the rules and regulations of the reformatory and
7 prison and the branches thereof. The warden, upon the request of the Gover-
8 nor, shall, in cases of application for such restoration, furnish him a statement
9 of the convict's deportment during his imprisonment and may at all times make
10 such recommendation to the Governor as he shall deem proper respecting the
11 restoration to citizenship of any inmate.

Sec. 77. FREE ACCESS OF CLERGYMEN.] Clergymen of all denominations shall
 2 be admitted freely and without hindrance or restraint to visit at pleasure any
 3 inmate confined in the reformatory and prison and the branches thereof, sub-
 4 ject to such rules and regulations as may be established by the officers in charge
 5 thereof: *Provided*, that the clergymen so applying shall produce to the officers
 6 in charge of said reformatory and prison and the branches thereof, visited as
 7 aforesaid, satisfactory evidence from church authorities to which he belongs
 8 that he is a clergyman in good standing. It shall be the duty of the warden,
 9 or deputy wardens or other officers in charge of said institution to permit
 10 the ministration of religion according to the rites and ceremonies of the church
 11 to which the visiting clergyman belongs, and to aid and assist such of the in-
 12 mates, as aforesaid, who may desire it, to the comforts or religion at the
 13 hands of a clergyman of his or her own selection.

Sec 78. DUTIES OF PHYSICIANS.] It shall be the duty of said physician:

2 *First*—To attend at all times to the wants of the sick convicts, whether in
 3 the hospital or in their cells, and to bestow upon them all necessary medical
 4 service.

5 *Second*—To examine weekly the cells of the convicts, for the purpose of
 6 ascertaining whether they are kept in a proper state of cleanliness and venti-
 7 lation, and report the same weekly to the warden.

8 *Third*—To examine at least once in each week, and oftener if he thinks
 9 proper, into the quality and condition of the provisions provided for the con-
 10 victs, and whenever he shall have reason to believe that any of such provisions
 11 are prejudicial to the health of the convicts, he shall immediately make report
 12 thereof to the warden. He shall also have power and it shall be his duty to
 13 prescribe the diet of the sick convicts, and his directions in relation thereto
 14 shall be followed by the warden.

15 *Fourth*—To keep a daily record of all admissions to the hospital, and of
 16 cases treated in the cells or elsewhere, indicating the sex, color, nativity, age,
 17 occupation, habits, life, crime, period of entrance or discharge from the hos-
 18 pital, disease and the prescription and treatment in each case.

19 *Fifth*—To make report monthly to the commissioners, of patients received
 20 into the hospitals, or treated in the cells or elsewhere during the month, stating
 21 their respective ages, color, disease, occupation in prison, quantity and kind of
 22 medicine administered during the month, the time they shall have remained in
 23 hospital, date of commencement and termination of treatment, number of deaths
 24 (stating the cause of each death) and the number of days during which such
 25 patients, in consequence of sickness, shall have been relieved from labor.

26 *Sixth*—To make a yearly report to the commissioners of the sanitary con-
 27 dition of the penitentiary for the year.

 Sec. 79. SUNDAY.] Facilities for attending religious services regularly on Sun-
 2 day shall be afforded each convict, so far as the same can be done judiciously, and
 3 upon no pretext shall a convict on contract be required to labor on Sunday, nor
 4 shall any convict be required to do other than necessary labor for the State on
 5 that day.

 Sec. 80. CONTRACTS FOR SUPPLIES.] Said commissioners of control are
 2 hereby authorized to contract for provisions, clothing, medicine, forage, fuel,
 3 and other supplies for the penitentiary, for any period of time not exceeding
 4 one year, and such contract shall be given to the lowest bidder, at a public
 5 letting thereof, if the prices bid be fair and reasonable, and not greater than
 6 the usual market value and price. Each bid shall be accompanied by a bond
 7 in such penal sum as said commissioners shall determine, with good and suffi-
 8 cient sureties, conditioned for the faithful performance of such contract. No-
 9 tice of the time, place and conditions of the letting of each contract shall be

10 given for at least four consecutive weeks, in such manner as the commissioners
 11 shall deem expedient. If all the bids made at such letting are deemed un-
 12 reasonably high, the commissioners may, in their discretion, decline to con-
 13 tract, and may again advertise for proposals, and may so continue to renew
 14 the advertisement, until satisfactory contracts may be made, and in the mean-
 15 time the commissioners may contract with the person whose offer may be re-
 16 garded as just and proper; but no contracts thus made shall be let to run for
 17 more than sixty days, or in any case extend beyond the public letting. No bids
 18 shall be accepted, and a contract entered into in pursuance thereof, where such
 19 bid is higher than any other bid made at the same letting for the same article;
 20 and where a contract can be made at such lower bid, when two or more of the
 21 lowest bids for the same article are equal in amount, the commissioners may
 22 select the one which may by them be deemed for the best interest of the State,
 23 or may divide the contract between the bidders, as in their discretion may
 24 seem proper and right: *Provided*, no contract shall be given or purchase made
 25 in which either of the commissioners or any of the officers of the penitentiary
 26 are interested and all contracts or purchases made in violation of this provision
 27 shall be void.

Sec. 81. QUARTERLY REPORT OF CHAPLAIN.] The chaplain shall make a
 2 quarterly report to the commissioners, in case such instruction shall be given,
 3 stating the number of convicts instructed during the quarter, the branches of
 4 education taught, the text books used, the progress made by the convicts, and
 5 note especially any case in which unusual progress has been made by a con-
 6 vict.

Sec. 82. DUTIES OF CHAPLAIN.] It shall be the duties of the chaplain of
 2 said penitentiary:

3 *First*—To perform religious services in the penitentiary under such reg-

4 ulations as the commissioners may prescribe, and to attend to the spiritual
5 wants of the convicts.

6 *Second*—To visit the convicts in their cells, for the purpose of giving them
7 moral and religious instruction.

8 *Third*—To furnish, at the expense of the State, a bible to each convict.

9 *Fourth*—To take charge of the library and see that no improper books
10 are placed in possession of the convicts, to take away and deliver the same to
11 the commissioners and for the purpose of the proper discharge of these duties
12 he shall visit weekly each cell in the penitentiary, and the books so taken
13 away from the said convicts shall not be returned to them without the express
14 order of the commissioners.

15 *Fifth*—To visit, daily, the sick in the hospital.

16 *Sixth*—To make an annual report to the commissioners for each year end-
17 ing the first day of December, relative to the religious and moral conduct of
18 the convicts during such year; stating therein what services he has performed
19 and the fruits of his instruction, together with any other facts relative to
20 said convicts he may deem proper to report. It shall be the duty of the chap-
21 lain, when required by the commissioners, to give instruction in the useful
22 branches of an English education to such convicts, as, in the judgment of the
23 warden, may require the same, and be benefited thereby, and be entitled thereto
24 by previous good conduct; and such instruction may be given for such length
25 of time daily as said commissioners shall prescribe (Sunday excepted) between
26 the hours of 6 and 9 o'clock, p. m.

Sec. 83. REPORTS.] Said warden shall preserve in the penitentiary, a set
2 of all official reports in relation to the penitentiaries of other states, so far
3 as he shall be able to obtain the same, and for which purpose a suitable num-
4 ber of the reports of said penitentiary, when printed, shall be supplied to him
5 by the Secretary of State, to exchange with penitentiaries of other states.

Sec 84. CONVICTS' MONEY, ETC.—CLOTHING — TRANSPORTATION, ETC.] The
 2 warden shall take charge of all money and other articles of property which
 3 may be brought to the penitentiary by the convicts, and cause the same, im-
 4 mediately upon the receipt thereof, to be entered among the receipts of the
 5 prison; which money and other articles, whenever the convict from whom the
 6 same are received, shall be discharged from the penitentiary, or the same shall
 7 be otherwise legally demanded, shall be returned by said warden to such convict
 8 or other person legally demanding the same. He shall also furnish each con-
 9 vict who may be discharged from the penitentiary by pardon or otherwise, with
 10 a suitable suit of citizens' clothing, and shall also furnish such convict with
 11 transportation to the place of his conviction, or the equivalent thereof in money,
 12 and in addition thereto the sum of \$10.00 for other necessary expenses of such
 13 convict.

Sec. 85. MONTHLY ACCOUNT.] He shall render to said commissioners on
 2 the first day of each month a full and accurate statement of all moneys re-
 3 ceived by him and all sums of money expended by him during the preceding
 4 month, showing on what account received and expended, and shall accompany
 5 said report with proper vouchers for all such expenditures, which report shall be
 6 verified by oath of the warden.

Sec. 86. FINANCES—LABOR—CONTRACTS—MATERIALS, ETC.] The warden, shall
 2 attend to the fiscal concerns of the penitentiary, under the direction of said
 3 managers, and shall use his best endeavors to defray all the expenses of the
 4 penitentiary by the labor of the convicts; he shall superintend the labor of
 5 the convicts when employed in manufacturing or other work on behalf of the
 6 State.

Sec. 87. MONTHLY REPORT OF WARDEN.] He shall make a monthly report
 2 to the commissioners and board of managers, stating the names of all convicts

3 received into the reformatory and prison during the preceding month, the
 4 counties in which they were tried, the crimes for which they were convicted,
 5 the nature and duration of their sentence, their former trade, employment or
 6 occupation, their habits, color, age, place of nativity, degree of instruction, and
 7 a description of their persons, and also make all such other reports as shall
 8 be required of him by the commissioner and managers.

Sec. 88. DAILY JOURNAL.] The warden shall keep a daily journal of the
 2 proceedings of the penitentiary, in which shall be entered a note of every in-
 3 fraction of the rules and regulations of the penitentiary, by any officer or em-
 4 ploye thereof, which shall come to his knowledge, or by any convict in said
 5 penitentiary, and of every punishment inflicted on a convict, the nature and
 6 amount thereof, and by whom inflicted; and also a memorandum of every well
 7 founded complaint made by any convict, of bad or insufficient food, want of
 8 clothing, or cruel or unjust treatment. Such journal shall be kept open at all
 9 times for the inspection of the commissioners.

Sec. 89. ANNUAL INVENTORY AND APPRAISEMENT.] The board of managers
 2 shall cause a full and accurate inventory and appraisement of all and singular
 3 the machinery, fixtures, goods, chattels and property of every description be-
 4 longing to the State, in and about said penitentiary, to be made under oath by
 5 two or more competent appraisers, to be appointed by said board and imme-
 6 diately make an inventory of all the machinery, fixtures, goods, chattels and
 7 property of every description, and at least once in each year thereafter, and
 8 shall cause a copy of such inventory and appraisement to be filed in the office
 9 of the Auditor of Public Accounts, and another copy thereof to be appended to
 10 their biennial report to the Governor, and commission of control.

Sec. 90. DUTIES OF WARDEN.] The warden shall exercise a general supervi-
 2 sion over the government, discipline and police regulations of said penitentiary,

3 in accordance with the orders, rules and regulations of said commissioners and
 4 board of managers, and shall see that such orders, rules and regulations are
 5 duly enforced, and shall give the necessary directions to the officers and guards,
 6 and determine whether they have been careful and diligent in the discharge of
 7 their several duties. He shall examine daily into the state of the penitentiary
 8 and into the health, condition and safe-keeping of the convicts, and shall inquire
 9 into the justice of any complaints made by any of the convicts relative to their
 10 provision, clothing or treatment. He, with the commission and board, shall
 11 make such general orders and rules for the government of the subordinate offi-
 12 cers and employes of said penitentiary as they may deem proper. Such rules
 13 and orders shall be in writing, and shall be entered in a book to be kept by
 14 the warden for that purpose, and shall be subject to alteration or amendment
 15 by said commissioners and board.

Sec. 91. GENERAL POWER AND DUTIES OF THE WARDEN.] The warden shall

2 have the custody and control of all inmates in the State reformatory and
 3 prison, and the branches or divisions thereof, and shall govern and employ
 4 them according to law, pursuant to their respective sentences and to the rules
 5 and regulations of the reformatory and prison, until their sentences have been
 6 performed, or they are otherwise discharged by due course of law.

7 He shall also have the charge and custody of the reformatory and prison,
 8 and the branches or divisions thereof, and of the land, buildings, furniture,
 9 tools, implements, stock, provisions and all other property belonging to the said
 10 reformatory and prison, and divisions thereof or within its precincts.

11 He shall cause regular and complete accounts to be kept of all the prop-
 12 erty, expenses, income and business of the reformatory and prison and the
 13 branches thereof.

Sec. 92. DUTIES OF WARDEN.] The warden shall appoint deputy wardens,

2 clerk and steward, who shall severally take and subscribe the oath of office

3 prescribed by the constitution of the State, and give bond to the People of the
4 State of Illinois, in the penal sum of \$3,000, with good and sufficient sureties,
5 to be approved by the said commissioners and board, or a majority of them,
6 conditioned for the faithful discharge of the duties of their respective offices.
7 Said deputy wardens, clerk and steward shall be subject to removal by said
8 warden, and they shall perform such duties as shall be required of them by
9 said warden, or which may be required of them by the rules, orders and regu-
10 lations of said institution. Said warden shall also employ such number of
11 assistant keepers and guards as shall be necessary, and shall, at all times, be
12 subject to his orders, and perform such duties as he shall require of them.
13 Said warden shall also appoint a matron, and such assistant matrons as may
14 be necessary, not exceeding one for each twenty-five female convicts in said re-
15 formatory and prison, who shall perform such duties in respect to said female
16 convicts as said warden may require of them. No person shall be appointed
17 warden, or deputy warden, clerk or steward, or to any other employment in
18 the reformatory and prison, under this Act, who is a contractor in the reform-
19 atory and prison, or the agent or employe of such contractor, or who is inter-
20 ested, either directly or indirectly, in any kind or branch of business carried
21 on in such reformatory and prison, or who shall, at any time, hold any other
22 office under the laws of this State; and no such warden deputy warden, clerk
23 or steward, or other employe, shall hold any other office or accept any other
24 appointment under this or any other law of this State, during his continuance
25 in such employment. And in case any such warden, deputy warden, clerk or
26 steward, or other employe, shall become so interested, either directly or indi-
27 rectly, at any time during the term of his employment, or shall accept any other
28 office or appointment under the laws of this State, he shall be removed by said
29 warden. No person shall be appointed or shall serve as watchman or assistant
30 watchman, or guard, who is under the age of twenty-five years nor more than
31 forty years of age.

Sec. 93. APPOINTMENT OF PSYCHOLOGIST.] The commissioners of control
 2 shall appoint an expert psychologist after a special civil service examination
 3 therefor, whose labors shall be confined to the reformatory and prison and the
 4 branches thereof, and who shall labor in conjunction with the director of the
 5 pathological institute, provided for in this Act, and whose work shall be under
 6 the direction of the commission of control. He shall receive an annual salary
 7 to be fixed by the commission, subject to the approval of the Governor.

Sec. 94. APPOINTMENT OF OFFICERS.] The warden of the State reforma-
 2 tory and prison and the branches thereof shall be appointed by the State Com-
 3 mission of Control and shall hold his office for the period of four years.

4 All other officers shall be appointed by the warden and shall hold their
 5 offices during the pleasure of the warden.

Sec. 95. OATH--BOND.] Each of said board of managers shall take and
 2 subscribe the oath or affirmation prescribed by section 25, article 5, of the Con-
 3 stitution of this State, and each of said board of managers shall enter into a
 4 bond to the People of the State of Illinois, in the penal sum of \$25,000, with
 5 good and sufficient sureties, to be approved by the Governor and Auditor of
 6 Public Accounts, conditioned for the faithful performance of his duty as mem-
 7 ber of the board of managers of the reformatory and prison and the branches
 8 thereof, and the Governor and Auditor of Public Accounts, upon discovering
 9 any default or delinquency on the part of said board of managers, or either
 10 of them, or upon the application of any surety on said bond, shall have power
 11 and it shall be their duty, at any time, to require additional security or a
 12 new bond of said managers, or either of them, and the State shall have a lien
 13 upon the real property of the principal in said original and supplementary
 14 bonds, from the time of the execution and approval of the same, which bond or
 15 bonds and oath or affirmation shall be filed in the office of the Secretary of

16 State before such member of said board shall enter upon the duties of his
17 office.

Sec. 96. DISABILITIES OF BOARD OF MANAGERS.] No persons shall be ap-
2 pointed to the office of member of board of managers of the reformatory and
3 prison who is a contractor, or who is interested, either directly or indirectly,
4 in any kind or branch of business in said reformatory and prison and the
5 branches thereof, or who shall at the time hold any other office under the laws
6 of this State; and no such manager shall hold any other office or accept any ap-
7 pointment under this or any other law of this State, during his continuance in
8 office as such manager.

Sec. 97. GOVERNOR'S DUTIES IN REGARD TO.] The Governor shall visit the
2 reformatory and prison and the branches thereof semi-annually, and oftener if
3 he shall deem it best, for the purpose of examining its affairs and its condi-
4 tion. He shall inquire into all alleged abuses, or neglect of duty, and may
5 make, in connection with the commissioners and managers, such alterations in
6 the general discipline of the reformatory and prison, and the branches thereof,
7 as he may deem necessary.

Sec. 98. WARDEN EXECUTIVE OFFICER.] The warden of the State reforma-
2 tory and prison, and the branches thereof, shall be the chief executive officer
3 thereof, and in his absence or sickness the deputy warden at Joliet, of the in-
4 stitution, and who shall exercise the powers and be subject to the responsibili-
5 ties of the warden, shall be provided for by the rules and regulations of the
6 said commission and managers. Subject to the by-laws and regulations estab-
7 lished by the commission and the managers under the provisions of this Act, the
8 warden shall have general superintendence of the buildings, grounds and farms.
9 together with their furniture, fixtures and stock, and the direction and control
10 of all persons in the said reformatory and prison, and the branches thereof,

11 subject to such by-laws and regulations as may be provided for by the said
12 commission of control and board of managers.

Sec. 99. BOARD OF PRISON MANAGERS.] The Board of Prison Managers
2 provided for herein shall:

3 A. Be a body corporate under and by the name of "The Board of Reform-
4 atory and Prison Managers of the State of Illinois," and in addition to the
5 powers expressly conferred, shall have such authority as may be necessary to
6 discharge all duties and acts in relation to the administration and management of
7 said institution.

8 B. They shall exercise administrative control and supervision over the
9 State reformatory and prison, and the branches thereof.

10 C. They shall succeed to all the property rights of the Board of Man-
11 agers of the Pontiac Reformatory and the Commissioners of the Penitentiaries
12 at Chester and Joliet. All the rights, title and interest of said Board of Man-
13 agers and Commissioners and of the Board of Prison Industries of Illinois,
14 in and to land, money or other property, real and personal, held for the benefit
15 of their respective institutions, or for other public use, are hereby vested in
16 the Board of Reformatory and Prison Managers, in trust and for the use of the
17 State of Illinois, and said boards and commissioners shall have no further
18 legal existence.

19 D. They shall maintain an effective inspection of the State reformatory
20 and prison and the branches thereof, for which purpose the board shall visit and
21 inspect the said institutions and its branches at least once each month. The
22 board shall make a written report to the commissioners and to the Governor
23 within ten days after each inspection, such report to be signed by each member
24 making the inspection. Such report shall state in detail the condition of the
25 State reformatory and prison and the branches thereof and of the inmates there-
26 of and such other matters pertaining to the management and affairs thereof as in

27 the opinion of the board should be brought to the attention of the commissioners
28 and Governor and may contain recommendations as to the needed improvements
29 in the said institution and the branches thereof, or in the management thereof.

30 E. They shall keep in a book provided for that purpose a fair and full record
31 of their doings, which shall be open at all times to the inspection of the Governor of
32 the State, the commissioners of control or any person appointed by the Governor,
33 the commission of control, or either House of the Legislature, to examine the same.

34 F. They shall enter in a book, kept for that purpose at the State reform-
35 atory and prison and the branches thereof, the dates of each visit of each
36 manager.

37 G. Make to the Commission of Control and to the Governor, in October of
38 each year, a detailed report of the results of their visits and inspection, with
39 suitable suggestions and such other matters as may be required of them by the
40 commission, for the year ending on the thirtieth day of September preceding
41 the date of such report. Such report shall be prepared by a committee of the
42 board, subject to the approval of the board.

43 H. Investigate, hear and determine the truth of all charges made against
44 the warden or other officers and employes of the reformatory and prison and
45 the branches thereof, issue subpoenas and take and hear testimony in respect to
46 such charges. A witness attending before said board shall be entitled to the
47 same fees as witnesses attending before a court of record or a judge thereof,
48 which shall be paid as other charges of the institution. The resident officers shall
49 admit said managers into every part of the reformatory and prison and the
50 branches thereof, and the buildings thereof, and exhibit to them, on demand, all
51 the books, papers, accounts, writings belonging to said institution, or pertaining
52 to the business, management, discipline or government of the reformatory and
53 prison and branches thereof, and furnish copies, abstracts and reports whenever
54 required by them.

55 I. The Board of Managers is charged with the execution of the laws re-
 56 lating to the custody, care and treatment of the inmates of the reformatory
 57 and prison and the branches thereof.

58 J. They shall examine into the condition of all buildings, grounds, and
 59 other property connected with said institution, and into all matters pertaining
 60 to its management. For such purpose each of the members of the Board of
 61 Managers shall have free access to the grounds, buildings and all books and
 62 papers relating to such institution and the branches thereof. All persons con-
 63 nected with said institution and the branches thereof shall give such information
 64 and afford such facilities for any such examination or inquiry as the members
 65 of the board may require.

66 K. The board may, by order, appoint a competent person to examine the
 67 books, papers and accounts.

68 L. Provide educational facilities. It shall be the duty of the managers to
 69 provide for the thorough training of each and every inmate under the age of
 70 twenty-one years, and such others as the managers and the warden deem neces-
 71 sary and best, in the common branches of an English education; also in such
 72 trade or handicraft as will enable such inmate upon his release to earn his own
 73 support. For this purpose said managers and warden shall establish and main-
 74 tain common schools and trade schools and make all needful rules and regula-
 75 tions for the government of the same.

Sec. 100. DUTIES OF COMMISSIONERS OF CONTROL.] The Commissioners of
 2 Control provided for herein shall:

3 A. Examine into the condition of all buildings, grounds, and other prop-
 4 erty connected with the reformatory and prison and the branches thereof, and
 5 into all matters connected with and relating to its management. For such pur-
 6 pose each commissioner shall have free access to the grounds, buildings and all
 7 books and papers relating to said institution. All persons connected with said

8 institution, or the branches thereof, shall give such information, and afford such
9 facilities for any such examination or inquiry as the commissioners may re-
10 quire.

11 B. If they deem necessary, or so desire, appoint a competent person to
12 examine the books, papers and accounts, and also into the general condition
13 and management of said institution, and the branches thereof.

14 C. Visit the reformatory and prison, and the branches thereof, at least
15 once each quarter. Such visits shall be made on such days and at such hours of
16 the day or night, and for such length of time, as the visiting commissioners
17 may choose. But each commissioner may make such other visits as he or the
18 commission may deem necessary. Each visit shall include, to the fullest extent
19 deemed necessary, an inspection of every part of the reformatory and prison
20 and the branches thereof, and all the outhouses, places, buildings and grounds be-
21 longing thereto or used in connection therewith.

22 D. From time to time, make an examination of all the records and methods
23 of administration, the general and special dietary, the stores and methods of
24 supply, and, as far as circumstances may permit, of every inmate confined there-
25 in. They shall, as far as they deem necessary, examine the officers, attendants
26 and other employes, and make such inquiries as will determine their fitness for
27 their respective duties.

28 E. At the next regular or special meeting of the commission, after such
29 visit, the visiting commissioners shall report the result thereof, with such
30 recommendations for the better management and improvement of the State
31 reformatory and prison and the branches thereof as they may deem necessary.

32 F. The commissioners shall, at least twice in each year, at a time to be ap-
33 pointed by the commission, meet the board of managers, in conference, and con-
34 sider in detail all questions of management and improvement of the State re-
35 formatory and prison, and the branches thereof, and they, with the managers,

36 shall inspect the said institutions. or such parts thereof, as they may deem
37 necessary. They shall also send to the managers, in writing, such recommenda-
38 tions in regard to the management and improvement of the said institutions
39 as they may deem necessary and desirable.

Sec. 101. All Acts and parts of Acts in conflict with this Act are hereby
2 repealed.

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- 1 Introduced by Mr. Ireland, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make appropriations for ordinary and other expenses of the Illinois
State Reformatory at Pontiac.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the following amounts or as much thereof as
3 may be necessary, be, and the same are hereby appropriated to the Illinois
4 State Reformatory, at Pontiac, for the purposes hereinafter named and no
5 other:
6 For ordinary expenses of the reformatory and expenses of the board
7 of managers for the year ending June 30, 1910..... \$200,000
8 For ordinary expenses of the reformatory and expenses of the board
9 of managers for the year ending June 30, 1911..... 200,000
10 For incidental repairs and improvements, \$5,000 per annum..... 10,000
11 For maintaining parole system, \$15,000 per annum..... 30,000

12	For painting buildings, interior and exterior	5,000
13	For maintenance of electric lights, telephone, telegraph and fire alarm	
14	system, \$2,000 per annum	4,000
15	For material for trade school instruction, \$5,000 per annum	10,000
16	For purchase of instruments for band, consisting of 35 pieces	1,500
17	For purchase and installation of water, instruments and dressing ster-	
18	ilizer, fracture beds and other hospital beds	1,500
19	For school books for inmates, \$600 per annum	1,200
20	For school seats, desks, charts, reference books, etc.	500
21	For extension and equipment of library, \$750 per annum	1,500
22	For repairs of farm buildings, purchase of cows, horses and material	
23	for building one hog house for breeding purposes	5,000
24	For lectures, entertainments, concerts, etc., \$600 per annum	1,200
25	For maintenance and extension of Manual Training School, \$5,000 per	
26	annum	10,000
27	For necessary fixtures for reconstruction of a bath room in north cell	
28	house, the sum of	1,500
29	For construction of a wall around the institution to take the place of	
30	the old board fence now in use, the sum of	30,000
31	For erection of a printing plant building, the sum of	9,650
32	For remodeling the administration building and placing fire escapes,	
33	an additional sum of	12,000
34	For maintenance of Y. M. C. A., \$200 per annum	400

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
to draw his warrants on the State Treasurer for the amounts herein appropri-
ated, quarterly in advance, in so far as it relates to the appropriations for
ordinary expenses, upon the order of the board of managers of said reforma-
tory, signed by the president and attested by the secretary, with the seal of

6 the institution and the approval of the Governor thereto attached: *Provided,*
7 that no part of such sums shall be due and payable to said institution until a
8 detailed statement of receipts from all sources, together with a detailed state-
9 ment of the expenditures, accompanied by the original vouchers, is filed with
10 the Auditor of Public Accounts for all previous expenditures incurred and such
11 detailed statement of receipts and expenditures shall show the balance on hand
12 at the beginning of the period for which such statement is made, the total
13 amounts received and expended, and the balance on hand at the close of the
14 quarter for which the same is made; and the Auditor of Public Accounts is here-
15 by authorized and directed to draw his warrants on the State Treasurer for
16 the sum hereby appropriated for special purposes, upon the order of the board
17 of managers, when accompanied by itemized bills of particulars, signed by the
18 president and attested by the secretary, with the seal of the institution and
19 approval of the Governor thereto attached, certifying that the expenditures
20 mentioned in said bills of particulars has been made and that the amount is due
21 and payable.

- 1 Introduced by Mr. Luke, March 25, 1909.
2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to regulate the sale of secret remedies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful to sell, or offer for sale
3 within this State, any secret remedy or remedies, except upon compliance with
4 the provisions of this Act.

Sec. 2. The words, "secret remedy," as used in this Act, shall be deemed
2 to be all proprietary remedies and patent medicines and shall also include any
3 substance or mixture of substances intended to be used for the cure, mitiga-
4 tion or prevention of disease of man or other animal, whether for internal or
5 external use, where the formula of the substance or mixture of substance is
6 unknown to the medical profession or kept secret from the practitioners of
7 medicine.

Sec. 3. No person or persons either as principal, clerk or agent, shall sell
2 or offer for sale within said State any secret remedy or remedies as defined
3 in this Act unless the bottle, jar, vessel, box, package or other thing contain-
4 ing such remedy so sold or offered for sale, is properly labeled.

Sec. 4. Said label or labels shall have printed upon them the name of the
2 remedy and the ingredient or ingredients of which it is composed. In case any
3 such secret remedy shall contain any alcoholic, vinous or malt liquor, or any
4 morphine, codine, dionin, heoin, papin. opium, cocaine, euscine, chloroform,
5 cannibus indica, chloral hydrate, or acetanilide, or any of their derivatives, or
6 any habit-forming drug or drugs, or any poisonous substance or substances, said
7 label shall have printed upon it the exact quantity or proportion of any such
8 substance contained in any such remedy and the exact formula thereof.

Sec. 5. Any person violating any of the provisions of this Act shall be
2 deemed guilty of a misdemeanor and upon conviction shall be fined not exceed-
3 ing one thousand dollars (\$1,000) or imprisonment in the county jail not ex-
4 ceeding one year or both, in the discretion of the court, and each sale or offer
5 for sale shall be deemed a new offense.

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- 1 Introduced by Mr. McNichols, March 25, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act regarding the leasing of dwelling houses, flats and apartments, and defining certain offenses in connection therewith and providing a penalty for violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* It shall hereafter be deemed unlawful and opposed to public policy upon the part of any owner or agent of any dwelling house, flat or apartment, desiring to rent, lease or let the same to require as a condition precedent to the leasing of any dwelling house, flat or apartment that the person or persons desiring so to lease such dwelling house, flat or apartment shall have at the time such application is made for the leasing or renting of such dwelling house, flat or apartment, no children under the age of 14 years residing in their families, and it shall be deemed unlawful and opposed

10 to public policy to insert in any lease or agreement for the letting or renting
11 of any dwelling house, flat or apartment, a condition terminating said lease
12 if there are or shall be any such children in the family of any person holding
13 such lease and occupying such dwelling house, flat or apartment, and any such
14 contract or lease containing such provision shall be deemed opposed to pub-
15 lic policy and entirely void as to such provision.

Sec. 2. Any person, company, corporation or association violating any of
2 the provisions of section one of this law, shall be deemed guilty of a misde-
3 meanor and upon conviction shall be adjudged to pay a fine of not less than
4 \$50.00 nor more than \$100.00 for each and every offense.

Sec. 3. Any and all Acts and parts of Acts in conflict herewith, are here-
2 by repealed.

1 Introduced by Mr. Zinger, March 25, 1909.

2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to appropriate the sum of twenty-five thousand dollars or so much thereof as may be necessary, for the purpose of constructing an armory building for the use of A company, fifth regiment of the Illinois National Guard, located in Pekin, Tazewell county, Illinois: *Provided*, that there shall be deeded to the State suitable grounds upon which to erect said armory, the site to be approved by the Governor and the Adjutant General. :

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That twenty-five thousand dollars or so much there-
3 of as may be necessary, is hereby appropriated to pay for the erection of an
4 armory for the use of A company, fifth regiment of the Illinois National
5 Guard, located at Pekin, Tazewell county, Illinois: *Provided, however*, that
6 there shall be deeded to the State, suitable grounds upon which to erect said
7 armory, the site to be approved by the Governor and the Adjutant General.

Sec. 2. The Auditor of Public Accounts is authorized to draw his warrants
for the sum herein specified, upon the presentation of the proper vouchers,
certified to by the Adjutant General and approved by the Governor, and the
Treasurer shall pay the same out of the money hereby appropriated.

- 1 Introduced by Mr. Perkins, March 25, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend sections 1, 2, 3 and 4 of an Act entitled, "An Act to authorize recorders of deeds in counties where recorders of deeds are elected, to keep abstract books, to make abstracts of title, and fixing the fees and compensations therefor, and to repeal an Act therein named."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That in all counties where a recorder of deeds is
3 elected, and in all other counties the clerk of the circuit court, in which coun-
4 ties said recorder of deeds or clerk of the circuit court has heretofore been,
5 or shall hereafter be, required by the county board to keep abstract books,
6 showing by tract every conveyance or incumbrance recorded, the date of the
7 instrument, the time of filing the same, the book and page where the same is
8 recorded, and showing a true chain of title to each tract and the incumbrance
9 thereon, as shown by the records of his office. Such recorder or clerk of the

10 circuit court shall, and he is hereby authorized to keep judgment dockets
11 and indexes thereto, showing all judicial proceedings affecting title to real
12 estate in such county; tax sale books, with indexes thereto, showing sales or
13 forfeitures of all lands in the county for unpaid taxes and assessments; and
14 such other books as are usual or necessary to be kept for the purpose of
15 making complete abstracts of title to real estate. And the county board shall
16 furnish such recorder, or clerk of the circuit court, with the necessary rooms,
17 books, stationery, fuel and lights for the purposes herein set forth: *Provided*,
18 that nothing in this Act shall be construed to empower the recorder, or clerk
19 of the circuit court, to prevent the public from examining and taking mem-
20 oranda from all records and instruments filed for record, indexes and other
21 books in his official custody; but it shall be his duty at all times, when his office
22 is or is required by law to be open, to allow all persons, without fee or re-
23 ward, to examine and take memoranda from the same.

24 Sec. 2. Every recorder of deeds, or clerk of the circuit court, keeping
25 such books is hereby authorized, and it shall be his duty, to make and certify,
26 under the seal of his office, for all persons desiring the same, abstracts of title
27 to real estate in his county, and to charge therefor, in counties of the third
28 class, not to exceed the following fees:

29 For each certificate, certifying to the condition of the title, as shown by
30 such abstract, judgment and tax books, the sum of three (\$3.00); said sum of
31 three dollars (\$3.00) to include the showing of one instrument of conveyance,
32 incumbrance or release thereof, judgment or tax sale.

33 For each additional instrument of conveyance, incumbrance or release there-
34 of, the sum of one dollar (\$1.00).

35 For each additional judgment or tax sale, the sum of seventy-five (75)
36 cents.

37 For chancery and probate court proceedings necessary to be shown, one
38 dollar (\$1.00) per page. Which fees shall be accounted for by such recorder
39 in like manner with fees received by him from recording. And every such
40 recorder shall, for his services in keeping such books and making such abstracts
41 of title in counties of the third class, receive a salary of one thousand dollars
42 per annum, to be paid only out of the fees of his office actually collected; which
43 compensation shall be in addition to the salary allowed him for his duties as
44 recorder. In counties of the second class he shall receive such salary and be
45 authorized to charge such fees as may be filed by the county board.

46 Sec. 3. Every such recorder, or clerk of the circuit court, shall, before
47 making and certifying such abstracts of title, give a bond with sufficient secur-
48 ity, to be approved by the county board, payable to the county of which he is
49 such recorder or clerk of the circuit court, in the penal sum of ten thousand
50 dollars, conditioned to secure the accuracy and correctness of any and all such
51 abstracts of title, and to indemnify the county for all actual losses or dam-
52 ages which the county may be required to pay by reason of any errors, mis-
53 takes or omissions in any such abstracts of title, to any and all persons purchas-
54 ing such abstract from such recorder. And such county shall reimburse any
55 and all persons purchasing any such abstract of title from such recorder, or
56 clerk of the circuit court, for any and all losses or damages sustained by such
57 purchaser or purchasers on account of the error, mistake or omission afore-
58 said.

59 Sec. 4. Five per cent of all fees collected by such recorder, or clerk of
60 the circuit court, under the provisions of this Act, shall be paid by such re-
61 corder, or clerk of the circuit court, to the county treasurer of his county, for
62 the purpose of an indemnity fund, until the said fund shall reach the sum of
63 one hundred thousand dollars (\$100,000), when the payments thereto shall be
64 reduced to two and one-half per cent, and so continue while the sum of one

65 hundred thousand dollars (\$100,000) or more remains in said fund; and when-
66 ever, at any time, it shall fall below said sum, the payments of five per cent
67 as above provided, shall be made. It shall be the duty of the treasurer to in-
68 vest all of said funds, principal and income, in his hands from time to time, if
69 not immediately required for payment of indemnities, and report annually to
70 the county court the condition and income thereof. All investments of the fund
71 or any part thereof, shall be made with the approval of said court, by order en-
72 tered of record. The said fund shall be invested only in the bonds or securi-
73 ties of the United States, or of this State, or counties or other municipalities
74 of this State. Said fund shall be held to satisfy judgments obtained against
75 the county for losses or damages, as aforesaid, and payment therefrom shall
76 be made only upon order of the county board.

77 Sec. 5. That an Act entitled, "An Act to authorize recorders of deeds in
78 counties where recorders of deeds are elected, to keep abstract books, to make
79 abstracts of title, and fixing the fees and compensation therefor," approved
80 June 16, 1887, in force July 1, 1887, be and is hereby repealed.

- 1 Introduced by Mr. Brownback, March 25, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend an Act entitled, "An Act to revise the law in relation to
liens," in force July 1, 1874.

Section 52½ (Hurd's Statutes), following section 38 of above entitled Act:

- 2 It shall, however, be a defense of the owner, contractor, sub-contractor or
- 3 other person liable for material and labor mentioned in this Act, to show that
- 4 he has, previous to being notified, paid all or a portion of the money due for
- 5 any labor or material mentioned in this Act; and in no case shall such person
- 6 be liable for any more than the part which such person has not paid before
- 7 the notice or notices mentioned in this Act has been served upon him.

1901-1902

1902-1903

1903-1904

1. Introduced by Mr. Carter, March 26, 1909.
2. Read by title, ordered printed and referred to Committee on Appropriations

A BILL

For an Act appropriating to the University of Illinois the money granted in an Act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts," established under the provisions of an Act of Congress approved July 2, 1862. And the money granted by an Act of Congress approved March 4, 1907, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum or sums of money which may have occurred or may hereafter (before the first day of July, 1911) accrue to the State of Illinois, under the provisions of an Act of the Congress of the United States, approved August 30, 1890, entitled "An Act to apply a portion of the proceeds of public lands to the more perfect endowment and support of the colleges for

7 the benefit of agriculture and the mechanic arts, established under the pro-
8 visions of an Act of Congress approved July 2, 1862." And the money
9 granted by an Act of Congress approved March 4, 1907, entitled "An Act
10 making appropriations for the Department of Agriculture for the fiscal year
11 ending June 30, 1908," are hereby appropriated to the University of Illinois,
12 and whenever any portion of the said money shall be received by the State
13 Treasurer it shall immediately be due and payable into the treasury of said
14 university.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant on the Treasurer for the sums hereby appropriated, upon
3 the order of the chairman of the board of trustees of said university, counter-
4 signed by its secretary and with the corporate seal of said university.

- 1 Introduced by Mr. Lawrence, March 26, 1909.
- 2 Read by title, ordered printed and referred to Committee on Good Roads.

A BILL

To amend sections 245 and 248a of an Act entitled “An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads,” approved June 18, 1883, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 245 and 248a of an Act entitled, “An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads,” approved June 18, 1883, in force July 1, 1883; as amended by Act approved May 16, 1905, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907, be and the same hereby is amended to read as follows:

7 Sec. 245. That on the petition of fifty land owners, who are legal
8 voters, (or where there are less than one hundred such freeholders, a ma-
9 jority of them,) of any township to the town clerk thereof, in counties under

10 township organization, or road districts in counties not under township organi-
 11 zation, to the county clerk, he shall, when giving notice of the time and place
 12 for holding the next annual town meeting or road district meeting also give
 13 notice that a vote will be taken at said election for or against levying a tax
 14 not to exceed one dollar on each one hundred dollars assessed valuation of
 15 all the taxable property, including railroads, in the township or road districts.
 16 for the purpose of constructing and maintaining gravel, rock, macadam or
 17 other hard roads. Said petition shall state the location and route of the pro-
 18 posed road or roads, not exceeding two; and shall also state the rate per cent,
 19 not exceeding one dollar on each one hundred dollars, and the number of
 20 years, not exceeding five, for which said tax shall be levied.

21 Sec. 248a. That in any township in counties under township organiza-
 22 tion, and in any road district in counties not under township organization,
 23 wherein the people have at any time voted for a special tax for gravel, rock,
 24 macadam or other hard roads, as provided in sections 1 and 2 of this Act,
 25 if the commissioners desire to expend on hard roads in their town (or dis-
 26 trict) a greater sum than is available to them from their sources, they, or a
 27 majority of them, may petition the supervisor of the town (or the county clerk
 28 of the county) to call a special election to vote on the proposition, which shall
 29 be clearly stated in the petition, substantially as follows:

30 "To borrow.....dollars to construct and maintain gravel, rock,
 31 macadam or other hard roads in the town (or district) of....."

32 Which said petition shall be signed by said commissioners, or a majority of
 33 them, in their official capacity, and by one hundred of the freeholders of said
 34 town (or district) (or where there may be less than two hundred such free-
 35 holders, then a majority of them), and thereupon such petition shall be filed
 36 in the office of the town clerk of such town (or the county clerk in counties
 37 not under township organization). Upon the filing of such petition, the su-

38 pervisor shall order the town clerk, by an instrument in writing to be signed
39 by him, to post up in ten of the most public places in said town, notices of
40 such special election (or in counties not under township organization the
41 county clerk shall post such notices in said district), which notice shall state
42 the object, time and place of meeting, the maximum sum to be borrowed, and
43 the manner in which the voting is to be had, which shall invariably be by
44 ballot, and shall be, "For borrowing money to (here define the purpose)," or
45 "Against borrowing money (here define the purpose)." The special elec-
46 tion shall be held at the place of the last annual town (or district) election,
47 by giving at least ten days' notice, and returns thereof made in the same man-
48 ner as other special town (or district) elections are now or may hereafter be
49 provided by law; and if it shall appear that a majority of the legal voters
50 voting at said elections shall be in favor of said proposition the supervisor and
51 town clerk (or the county clerk) acting under the direction of the commis-
52 sioners of said town shall issue from time to time, as the work progresses, a
53 sufficient amount in the aggregate of the bonds of said town (or district) for
54 the purpose of building and maintaining gravel, rock, macadam or other hard
55 roads; said bonds to be of such denominations, bear such rate of interest,
56 not exceeding 5 per cent, upon such time, and be disposed of as necessities
57 and conveniences of said town (or district) officers require: *Provided*, that
58 said bonds shall not be sold or disposed of either by sale or by payment to
59 contractors for labor and materials for less than their par value; such bonds
60 to be issued in not more than ten annual series; the first series of which shall
61 mature not more than five years from the date thereof and each succeeding
62 series in succeeding years thereafter. A record of all issues of said bonds shall
63 be kept in the office of the county clerk of the county in which said township
64 or district is located, and it shall be the duty of such county clerk to extend
65 annually against the property in said township or road district a tax suffi-

66 cient to pay the interest of said bonds in each year prior to the maturity
67 of such first series and thereafter he shall extend the tax in each year suffi-
68 cient to pay each series as it matures, together with interest thereon and with
69 the interest upon the unmatured bonds outstanding. Such bonds may be litho-
70 graphed and the interest for each year evidenced by interest coupons thereto
71 attached, which shall be signed by the same officers who execute the bonds:
72 *Provided, however,* that the amount, including the principal and interest to be
73 voted upon shall not exceed the amount which can be raised during a period
74 of five years by a levy of one dollar on each one hundred dollars of taxable
75 property in said township (or district) as computed on the value of such prop-
76 erty as taken for assessment purposes in such town (or district): *And, pro-*
77 *vided, however,* that the total amount of such bonded indebtedness shall in no
78 case exceed thirty-five thousand dollars (\$35,000), and such town or district
79 shall provide for the payment of such bonds and the interest thereon by ap-
80 propriate taxation. (Added by Act approved June 3, 1907, in force July 1,
81 1907.)

1. Introduced by Mr. Smejkal, March 26, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section thirty-four of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section thirty-four (34) of an Act entitled,
3 "An Act concerning local improvements," approved June 14, 1897, in force
4 July 1, 1897, and all amendments thereto, be amended to read as follows, to-
5 wit:

6 Sec. 34. MAJORITY OF FRONTAGE MAY REQUEST AN IMPROVEMENT—SIDEWALKS.]
7 Whenever the owners of one-half of the property abutting on any street, alley,
8 park or public place, or portion thereof, shall petition for any local improve-
9 ment thereon, the board of local improvements in any city, village or town

10 shall take the steps hereinbefore required for hearing thereon, but at such
11 hearing shall consider only the nature of the proposed improvement and the
12 cost thereof, and shall determine, in the manner provided, the nature of the
13 improvement which it will recommend, and shall thereupon prepare and trans-
14 mit to the legislative body a draft of an ordinance therefor, together with
15 an estimate of the cost, as above described, and shall recommend the passage
16 thereof, which recommendation shall be *prima facie* evidence that all the pre-
17 liminary steps required by law have been taken; and thereupon it shall be the
18 duty of such legislative body to pass an ordinance for the said improvement
19 and take the necessary steps to have the same carried into effect.

20 Whenever an ordinance shall provide only for the building or renewing of
21 any sidewalk, the owner of any lot or piece of land fronting on such sidewalk
22 shall be allowed forty (40) days after the time at which said ordinance shall
23 take effect in which to build or renew such sidewalk opposite to his land, and
24 thereby relieve the same from assessment, EXCEPT ASSESSMENT FOR ITS
25 PROPORTIONATE SHARE OF THE ESTIMATED COST OF CONSTRUCT-
26 ING THE SIDEWALK INTERSECTIONS ALONG THE LINE OF SAID
27 IMPROVEMENT: *Provided*, that no lot, block, tract or parcel of land shall
28 be assessed a greater amount than it will be benefited by the construction of
29 said intersections: *Provided, also*, the work so to be done shall in all respects
30 conform to the requirements of such ordinance.

31 Notice of the passage of any ordinance for the building or renewing of any
32 sidewalk shall be sent by mail within ten (10) days after such passage to the
33 person or persons who paid the taxes on said premises for the preceding year,
34 if he or they can be found in said county, and also a like notice addressed to
35 the "occupant" of said property if the same be at such time actually occupied,
36 and an affidavit of such service shall be filed with the official report of such

37 assessment. Such affidavit shall be *prima facie* evidence of a compliance with
38 said requirements.

39 WHEREAS, An emergency exists, therefore this Act shall be in force and
40 effect from and after its passage.

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- 1 Introduced by Mr. Smejkal, March 26, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section 1 of an Act entitled “An Act to provide additional means for the construction of sidewalks in cities, towns and villages,” approved April 15, 1875, in force July 1, 1875; as amended by Act approved and in force May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act to provide additional means for the construction of sidewalks in cities, towns and villages,” approved April 15, 1875, in force July 1, 1875; as amended by Act approved and in force May 18, 1905, be and the same is hereby amended so as to read as follows:

7 Sec. 1. That in addition to the mode now authorized by law, any city or
8 incorporated town or village may by ordinance for the construction of side-

9 walks therein. on, along or upon any street or streets or part of street, there-
10 in, and may, by such ordinance provide for the payment of the whole or any
11 part of the cost thereof by special taxation of the lot, lots or parcels of land
12 touching upon the land where any sidewalk or sidewalks shall be ordered and
13 such special taxation may be either by levying the whole or any part of the
14 cost thereof upon each of the lots or parcels of land touching upon the line
15 of such sidewalk, *pro rata*, upon each of said lots or parcels, according to
16 their respective values—the values to be determined by the last preceding
17 assessment thereof for the purpose of State and county taxation; or the whole
18 or any part of the cost thereof may be levied upon such lots or parcels of land
19 in proportion to their frontage upon such sidewalk or sidewalks, or in propor-
20 tion to the superficial area, as may be provided by ordinance ordering the lay-
21 ing down of such sidewalks; and in case such ordinance shall only require the
22 payment of a part of the cost of such sidewalk to be paid by a special tax as
23 aforesaid, then the residue of such cost shall be paid out of any fund of such
24 city, town or village, raised by general taxation upon the property thereof
25 and not otherwise appropriated. And any such city, town or village may be
26 one and in the same ordinance provide for the construction of sidewalks
27 hereunder on two or more streets, or parts of streets, or on one or both sides
28 of any street or streets: *Provided*, that such sidewalks are so connected, or
29 otherwise related, as to constitute but a single system of improvement: *Pro-*
30 *vided, further*, that in cities having a population of one hundred thousand
31 (100,000) or more by the last preceding census of the United States, no such
32 ordinance shall be considered or passed by the city council of any such city
33 unless the same shall first be recommended by the board of local improve-
34 ments provided for by “An Act concerning local improvements,” approved
35 June 14, 1897, in force July 1, 1897, and the amendments thereto.

-
- 1 Introduced by Mr. Jewell, March 26, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Primary Elections.

A BILL

For an Act to amend section one of "An Act to provide for the holding of primary elections by political parties," approved Feb. 21, 1908, in force July 1, 1908

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section one (1) of "An Act to provide for the
3 holding of primary elections by political parties," approved Feb. 21, 1908, in
4 force July 1, 1908, be amended so as to read as follows:

5 Sec. 1. The nominations of all candidates for all elective State, congres-
6 sional, senatorial, county, city and village (including officers of the municipal
7 court of Chicago), town and judicial offices, members of the State Board of
8 Equalization, clerks of the appellate courts, trustees of sanitary districts and
9 for the election of precinct, senatorial and State central committeemen, by all
10 political parties, as defined by section 2 of this Act, shall be made in the man-
11 ner provided in this Act and not otherwise: *Provided*, this Act shall not ap-

12 ply to the nominations of candidates for electors of President and Vice Presi-
13 dent of the United States and the supreme and circuit judges of the various
14 districts of the State of Illinois: *And, provided, further,* that this Act shall
15 not apply to the trustees of the University of Illinois and to township and
16 school elections.

-
- 1 Introduced by Mr. Behrens, March 26, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to permit traffic agreements and consolidations between electric railway companies, whether organized under the general incorporation laws of the State of Illinois or the General Railroad Act of this State.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That two or more railway companies operated by
3 electricity be permitted and empowered to enter into traffic contracts with
4 each other and to consolidate with each other whether such roads are incorpo-
5 rated under the same corporation Act of the State of Illinois, or under differ-
6 ent or differing incorporation Acts, by a vote of the majority of the stock of
7 each of the consolidating companies in favor of such consolidation.

AMENDMENTS TO

46th Assem.

HOUSE—No. 410

May 1909

Adopted May 26, 1909.

AMENDMENT NO. 1.

Amend the title of House Bill No. 410 by striking out the words “and consolidations.”

AMENDMENT NO. 2.

Amend House Bill No. 410 by striking out in line 4, in section 1 of the printed bill, the words: “and to consolidate with each other.”

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- 1 Introduced by Mr. Beck, March 30; 1909.
 - 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act restricting the erection of structures for advertising purposes near
parks and boulevards, and providing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person, firm or
3 corporation, to erect, or cause to be erected, a structure of any kind or charac-
4 ter within five hundred (500) feet of any public park or boulevard within the
5 limits of any city in this State, having a population of one hundred thousand
6 (100,000) or more, for the purpose of placing advertisements of any kind or
7 character thereon.

Sec. 2. Any person, firm or corporation violating the provisions of this
2 Act, upon conviction thereof, shall be subject to a fine of not less than fifty dol-
3 lars (\$50.00) nor more than five hundred dollars (\$500.00).

AMENDMENT TO

46th Assem.

HOUSE—No. 411

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 411 by adding after the word “thereon” in line seven of section 1 the following: “And that all bill boards and advertising signs of whatever kind or character that are occupying space contrary to the provisions of this Act shall be removed within one year after the passage of this Act.”

-
- 1 Introduced by Mr. Brownback, by request, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Farm Drainage.

A BILL

For an Act to amend (section 149, Hurd Statutes, of Chap. 42) an Act entitled,
“An Act to provide for drainage for agricultural and sanitary purposes, and to
repeal certain Acts therein named, as amended.”

Sec. 74 (149). There shall be constructed at least one bridge or proper pas-
2 sageway over each open drain where the same crosses an enclosed field, and
3 the cost of construction shall be charged as a part of the cost of the construc-
4 tion of such drain, the cost to be apportioned between the drainage district
5 and the owner of such field, the district paying one-half of the cost and the
6 owner of such field paying the other half; and the said bridge shall be there-
7 after maintained and kept in repair upon the same ratio of expense: *Provided*,
8 the commissioners may contract with the owner to erect and maintain such
9 bridge or crossing: *Provided, further*, that the question of the necessity for such
10 bridge may be inquired into, and if the commissioners and owner do not agree

11 concerning the same, it may be submitted to a jury: *And, provided, further.*
12 the cost of building the said bridge in the first instance shall be regulated by
13 the size of the field and the apparent necessity for the same, and by the pre-
14 vious use of such field.

- 1 Introduced by Mr. Browne, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to require foreign fire and casualty companies to deposit a bond or securities with the insurance commissioner to protect contracts in this State.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Every fire and casualty insurance company organized
3 under the laws of any other state, territory, District of Columbia or foreign
4 country, now authorized, or which may hereafter be authorized to transact busi-
5 ness in this State, shall, in addition to the requirements now prescribed by law,
6 deposit with the insurance commissioner a bond in the sum of forty thousand
7 dollars, conditioned upon the payment of all legitimately adjusted losses or
8 losses which may be sustained, arising or accruing under any policy issued by
9 any such company or corporation in this State, and on any policy or contract
10 which such company or corporation shall fail to carry to maturity for any rea-
11 son. Such bond shall be given in any surety company duly authorized to
12 transact business under the laws of this State and approved by the insurance

13 commissioner, and shall be kept in force so long as any such company shall
14 have any liability outstanding in this State.

Sec. 2. Any such company or corporation may, in lieu of the bond re-
2 quired in section one of this Act, deposit bonds or other securities with the
3 insurance commissioner, the market value of which shall not be less than the
4 amount of the bond prescribed in section one hereof, to be approved by the in-
5 surance commissioner.

AMENDMENT TO

46th Assem.

HOUSE—No. 413

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 413 in the enacting clause by inserting after the word “enacted” the words “by the People of the State of Illinois in the 46th General Assembly” and by striking out the words “of Illinois.”

1 Introduced by Mr. Curran, March 30, 1909.

2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to amend sections four (4) and seven (7) of an Act entitled, “An Act to revise the law in relation to oil inspection,” approved March 12, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections four (4) and seven (7) of “An Act
3 to revise the law in relation to oil inspection,” approved March 12, 1874, in
4 force July 1, 1874, be amended so as to read as follows:

5 Sec. 4. If the oils or fluids so tested will not ignite or explode at a tem-
6 perature less than one hundred and fifty degrees Fahrenheit, the inspector
7 shall mark, plainly and indelibly on each cask, barrel or package, “Approved
8 fire test being.” but if said oils or fluids will iginite at a temperature
9 less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the in-

10 spector shall mark on each cask, barrel or package, "Condemned for illumin-
11 ating purposes, fire test being." Said inspector shall also mark on each
12 such cask, barrel or package containing coal oil, naptha, gasoline, benzine or
13 other mineral oil or fluid, the product of petroleum, the specific gravity of any
14 such oils or fluids contained in such cask, barrel or package. Said inspector,
15 while in office, shall not buy, sell, bargain or trade, directly or indirectly, in
16 any of the said oils or fluids.

17 Sec. 7. Any manufacturer, refiner or producer of, or any dealer in coal
18 oil, naptha, gasoline, benzine or other mineral oil or fluid, the product of pe-
19 troleum, in any city, village or town in which such inspector is appointed, who
20 shall neglect to give notice to such inspector of any such oil or fluid in his
21 possession not already inspected by some authorized inspector of this State,
22 within two days after the same is made or refined by him or received into his
23 possession, or shall offer any such oil or fluid for sale before the same has been
24 so inspected, or shall sell or attempt to sell to any person, for illuminating
25 purposes, any such oil which is below the approved standard—that is, having
26 igniting point less than one hundred and fifty degrees Fahrenheit, as indicated
27 and determined in the manner herein provided, or shall use any package, cask,
28 barrel or other thing having the inspection brand thereon, the oil or fluid
29 therein not having been inspected, or shall sell or offer for sale any coal oil,
30 naptha, gasoline, benzine or other mineral oil or fluid, the product of petroleum,
31 from any cask, barrel or package, upon which the specific gravity of the con-
32 tents is not marked by the inspector, as provided by section four (4) of this
33 Act, or shall counterfeit any brand, shall be fined not exceeding \$200 and be
34 liable to the party injured for all damages occasioned thereby, and all
35 the casks, barrels or packages so falsely used, and their contents, shall be for-
36 feited, and may be seized and sold.

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- 1 Introduced by Mr. Flannigen, by request, March 30, 1909.
 - 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to provide a self-supporting board of examiners to determine who may engage in the business of a "master electrician" in the State of Illinois, to provide for the furnishing by such "master electrician" to the State of Illinois of a bond to guarantee the faithful performance of contracts entered into by a "master electrician" and to guarantee the owner or real party in interest against loss, *damage or injury through want of skill or through the failure to use suitable or proper materials.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The Governor, by and with the advice and consent
3 of the Senate, shall *within sixty (60) days* after the passage of this Act, ap-
4 point five (5) persons, *one of whom shall at the time of appointment be a master*
5 *electrician, one of whom shall be a journeyman electrician who has served at*
6 *the business for a period of not less than ten (10) years, one of whom shall be*

7 a municipal electrician inspector of an incorporated city of this State, one of
8 whom shall be a practicing electrical engineer, and one of whom shall be an
9 electrical inspector of a fire insurance company, residents of this State, and
10 said appointees shall constitute a State Board of Electrical Examiners; one
11 of the persons so appointed shall hold office for one (1) year, one for two (2)
12 years, one for three (3) years, one for four (4) years, and one for five (5)
13 years, unless sooner removed for cause.

14 Appointments to fill vacancies caused by death, resignation or removal,
15 before expiration of term shall be made for the residue of such term by the
16 Governor, subject to the consent of the Senate, and all appointments to fill
17 vacancies caused by expiration of term shall be made for a term of five (5) years
18 in the same manner so that the board shall hereafter continue to be constituted
19 as hereinbefore provided.

20 The Governor shall have full power to remove any member of the board for
21 incompetency or improper conduct upon satisfactory evidence being presented
22 to him of such condition.

Sec. 2. The members of said board, before entering upon their duties,
2 shall respectfully take and subscribe the oath required of other State officers,
3 which shall be filed in the office of the Secretary of State, who is hereby au-
4 thorized to administer such oath. They shall have power to elect out of their
5 number a president, secretary and treasurer, to adopt such rules and by-laws
6 for the transaction of the business of the board, and the management of its
7 affairs as they may deem expedient, and to adopt and use a seal with which to
8 attest all licenses and renewals thereof and other documents as may be deemed
9 necessary or expedient in carrying out the purposes of this Act.

Sec. 3. Each member of said board shall receive a compensation of five
2 (5) dollars per day for actual service in attending meetings of the board and
3 five (5) cents a mile for each mile actually traveled in attending the meetings

4 of the board, which compensation shall be paid out of any moneys in the hands
5 of the treasurer of said board: *Provided*, that the secretary of the said board
6 may receive such additional compensation as the board may deem just and
7 reasonable and for which the by-laws of said board provide: *Provided, how-*
8 *ever*, that the compensation and expenses of board shall in no event be paid
9 out of the funds in the State treasury, or become a charge against the State of
10 Illinois.

Sec. 4. Said board shall meet at least once each *six months* at the capitol
2 of the State, and shall hold special meetings as frequently as the proper and
3 efficient discharge of its duties shall require, *and as often as five applications*
4 *for examination have been received, excepting during the six months period fol-*
5 *lowing the passage of this Act referred to in section 7, during which period meet*
6 *ings shall be held once each month, at a place to be fixed by the rules and by-*
7 *laws of the board, and the rules and by-laws of the board shall provide for the*
8 *giving of timely notice of each meeting to every member of the board, and to*
9 *applicants for examination, and said rules and by-laws shall also provide that*
10 *notification of all licenses and renewals of same, issued, granted or revoked at*
11 *any and every meeting of the said board, shall be given to the city electrical*
12 *inspectors, if there be any such, of all cities, towns or villages to which this*
13 *Act applies.*

14 A majority of the members shall at any meeting organize and constitute a
15 quorum for the transaction of business.

Sec. 5. The term "master electrician," as used in this Act, shall be
2 defined as and include any and all persons, firms and corporations engaged
3 in the business of or holding themselves out to the public as engaged in the
4 business of installing, erecting or repairing, or contracting to install, erect
5 or repair electric wires, *conductors or apparatus for the transmission or util*

6 *ization of electric current for electric light, heat or power purposes, or mould-*
 7 *ings, ducts, raceways or conduits, together with fittings for same, for the re-*
 8 *ception or protection of such wires and conductors, or to electrically connect*
 9 *electric wires or conductors together, or to any electrical machinery, apparatus,*
 10 *device, fittings or fixtures to be used for electric light, heat or power purposes.*

11 A license of "master electrician," issued or granted under and in accord-
 12 ance with the provisions of this Act, shall entitle any such person, firm or cor-
 13 poration so licensed to engage in the business of installing, erecting and re-
 14 pairing, and of contracting to install, erect and repair any electric wires, *con-*
 15 *ductors or apparatus for the transmission or utilization of electric current for*
 16 *electric light, heat or power purposes, and any mouldings, ducts, raceways and*
 17 *conduits, together with fittings for same, to be used for the reception and*
 18 *protection of such wires and conductors and to electrically connect such elec-*
 19 *tric wires or conductors together and to any electrical machinery, apparatus,*
 20 *devices, fittings or fixtures to be used for electric light, heat or power pur-*
 21 *poses.*

Sec. 6. Before any person, firm or corporation shall hereafter engage in
 2 the business of a "master electrician," as defined in section five (5) of this
 3 Act, and before any person, firm or corporation now so engaged in said busi-
 4 ness, or any class thereof, who shall have failed to comply with section seven
 5 (7) of this Act, shall continue in said business of "master electrician," such
 6 person shall apply to said board for a license to practice as "master elec-
 7 trician;" whereupon the applicant, if a person, or if a corporation, *the one*
 8 *managing the electrical work thereof, or if a firm, the one managing the elec-*
 9 *trical work thereof, shall present himself before the said board, at a time and*
 10 *place fixed by said board. If the board shall find, upon due examination, that*
 11 *the applicant presenting himself is of good moral character, has a reasonable*
 12 *knowledge of electricity and the natural laws appertaining to and governing*

13 the same, and of the use and functions of electric wires, appliances and de-
14 vices for electric light, heat and power purposes, and is possessed of skill
15 and knowledge in all matters pertaining to the business of a "master electri-
16 cian," as defined in section five (5) of this Act, the said board, upon payment
17 of the fee, and upon giving the bond hereinafter provided for, shall issue to
18 the said person, firm or corporation, a license as "master electrician," to
19 practice said business for a term of one (1) year, and shall register such
20 person, firm or corporation as duly licensed "master electricians."

21 *Provided*, that no license shall be granted to any person under the age of
22 twenty-one (21) years, nor shall any license be granted to any person who
23 has not taken and subscribed an oath; or in the case of a corporation, *the one*
24 *managing the electrical work thereof, and in the case of a firm, the one man-*
25 *aging the electrical work thereof*, has had at least three years' actual experience
26 as a master electrician, within the terms of this Act, or as an electrical work-
27 man, in such class or classes of electrical business or work as, in the opinion
28 of the board, shall have properly fitted the applicant for a license as master
29 electrician.

30 *Provided, further*, that each applicant, at the time of filing his, their or
31 its application, shall pay to the secretary of said State Board of Electrical
32 Examiners, the sum of twenty-five (\$25.00) dollars: *And, provided, further*,
33 that every person, firm or corporation, before receiving a license, shall make, exe-
34 cute and deliver a bond to the State of Illinois, in the penal sum of five thousand
35 (\$5,000.00) dollars, with sufficient surety or sureties, to be approved and filed
36 with the State Board of Electrical Examiners, the bond to be conditioned upon
37 the faithful performance of any and all work entered upon or contracted for
38 by said master electrician, and to save harmless the owner or real property
39 in interest in the property for which such material is furnished or *services*
40 *performed against loss, damage or injury, which shall arise through want of*
41 *skill or through the failure to use suitable or proper materials in the perform-*

42 *ance of any work contracted for or undertaken by said "master electrician,"*
 43 *or his or its agents or employes.*

44 And action may be maintained there in the name of such owner or real
 45 party in interest only if commenced within one (1) year from and after the
 46 date of installation of the materials furnished or performance of such work
 47 or service.

48 *Provided, however, that when such materials furnished, work or service*
 49 *performed, shall have been inspected and approved by a recognized electrical*
 50 *inspector, then the said "master electrician" shall be considered as having*
 51 *fulfilled the requirements of this Act, and his responsibility shall cease, under*
 52 *the above bond for materials furnished, work or service performed.*

Sec. 7. All persons, firms or corporations who, at the time of the enact-
 2 ment of this bill, are engaged in the business which shall hereafter be known
 3 as the business of a "master electrician," as described in section five (5) of
 4 this Act, shall, within *six months* after the passage of this Act, comply with
 5 all the provisions of section six (6) of this Act; or such persons, firms or
 6 corporations shall, within *six months* cease to do the work which shall be here-
 7 after be known as that of a "master electrician," as described in section five
 8 (5), or shall otherwise be guilty of a misdemeanor and subject to the fines
 9 and penalties as provided in section fourteen (14) of this Act.

10 *Provided, however, that the provisions of this Act shall not apply to jour-*
 11 *neyman electricians or apprentices while such journeymen or apprentices shall*
 12 *be practicing their trade of journeymen electricians or apprentices; or to any*
 13 *electric light and power company, electrical street railroad or other railroad*
 14 *company, telegraph or telephone company doing its own electrical work, with*
 15 *its regular employed electrical men.*

Sec. 8. Each and every license issued under the provisions of this Act
 2 shall be signed by the president and secretary of the board, and attested

3 with its seal, and said license so signed and attested shall be evidence in any
4 court of this State of the business for which the license is issued for a period
5 not to exceed one (1) year from the date thereof. All licenses and renew-
6 als of same shall expire on the first day of January of each year.

Sec. 9. No person, firm or corporation granted a license under the provi-
2 sions of this Act shall continue in the business of installing or repairing elec-
3 trical wires, conductors or apparatus for electric light, heat or power purposes
4 after the expiration of the said license, unless the said license or renewal of
5 same shall have been renewed as hereinafter provided.

6 *Provided*, that any person, firm or corporation so granted a license un-
7 der the provisions of this Act (unless the said license shall have been re-
8 voked, as hereinafter provided) shall be granted a renewal of said license with-
9 out examination of the applicant: *Provided*, application is made either in
10 person or in writing to the said board by the holder of such license within
11 three months preceding the expiration of such license, upon payment of a fee
12 of ten (\$10.00) dollars, and the said renewal of said license shall be made for
13 a period of one (1) year, and shall be signed and attested as required for such
14 original license; and any such renewal of such license so signed and attested
15 shall have the same weight as evidence in any court of this State, as here-
16 inbefore provided for said original license.

17 *Provided, also*, that further one year renewals shall be granted in like
18 manner, upon expiration of any renewal of license, upon making like appli-
19 cation and paying like fee, within the three months preceding the expiration of
20 said renewal, in the same manner as provided for the first renewal.

Sec. 10. Said board shall have full power to revoke for proper cause
2 any license or renewal of same, granted by the said board, after a full hearing
3 of all parties in interest.

Sec. 11. Each and every license and renewal of same shall be in force and
2 effect only so long as an approval bond, filed with the said board in accordance
3 with the provisions of section six (6) of this Act shall remain in force, and
4 every such license or renewal of same shall become void by the termination of
5 said bond, regardless of the regular date of expiration of the said certificate,
6 license or renewal.

Sec. 12. Any and all persons, firms or corporations granted a license or
2 renewal of same, in accordance with the provisions of this Act, shall display the
3 same in a conspicuous place in the office or place of business of such license.

Sec. 13. Nothing in this Act shall be construed to prevent any person
2 from doing or performing any of the kinds of work enumerated in section five
3 (5) of this Act: *Provided*, that such work is performed under the directions
4 and supervision of a duly licensed master electrician, but no such work other
5 than minor electric repairs for the maintenance of established plants, shall be
6 performed excepting under such direction and supervision of a duly licensed
7 master electrician, and the said licensed master electrician shall be responsible
8 for any and all work so done under the direction and supervision of said lic-
9 ensed master electrician.

Sec. 14. Any person, firm or corporation or any member of such firm or
2 corporation who shall practice or engage or continue in the work of a master
3 electrician, as defined in section five (5) of this Act, without being complied with
4 all the provisions of this Act, and any person not licensed as a master elec-
5 trician who shall do or perform any such work except under the direction of a
6 master electrician, or who shall violate any of the provisions of this Act, shall
7 be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to
8 pay a fine of not less than twenty-five (\$25.00) dollars, nor more than five hun-
9 dred (\$500.00) dollars, or to an imprisonment not exceeding ninety (90) days,
10 or both, in the discretion of the court.

Sec. 15. No license or renewal of same granted or issued under the provisions of this Act, shall be assignable or transferable, and every such license and renewal of same shall specify the name of the person, firm or corporation to whom it is issued, and in the case of a firm, the member of said firm, and in the case of a corporation, the principal officer or designated representative of the said corporation through whom the application for the said license was made.

Sec. 16. All fees collected under the provisions of this Act shall be for the use of said board to defray its necessary expenses.

Sec. 17. It shall be the duty of the said board before the first Monday of January of each year and every year, to make a report in writing to the Governor of the State, containing a detailed statement of the nature of the receipts and the manner of expenditure and any balance of money remaining at the end of the year after payment of expenses, including per diem of members of board and other necessary expenses incurred by the members of the board in the discharge of their duties, shall be reserved by the treasurer of said board to meet the expenses of the ensuing year.

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- 1 Introduced by Mr. Link, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to regulate the licensing of dram shops within one mile of incorporated cities, towns and villages, fixing the minimum license therefor and providing for the disposition of the funds received for said license.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the county board of each county may grant
3 licenses to keep so many dram shops in their county as they may think the public
4 requires, upon the legal application, by petition, of a majority of the legal voters
5 of the town, if the town is under township organization, and if not under
6 township organization, then a majority of the legal voters of the election pre-
7 cinct or district where the same is proposed to be located, and, upon the pay-
8 ment into the treasury of the county such sum as the board may require, not
9 less than five hundred dollars (\$500) per annum for each license, and from the
10 money paid into the county treasury under the provisions of this section, there

11 shall be seventy-five per cent thereof by him paid to the treasurer of commis-
12 sioners of highways of the town where such dram shop is proposed to be lo-
13 cated in counties under township organization, and in counties not under town-
14 ship organization to the supervisor or overseer of public highways, to be used
15 by such township in the general repairs of the public highways, as is now
16 provided for the expenditure of money levied and collected for road and
17 bridge purposes under the Act of roads and bridges, and upon compliance with
18 the provisions of an Act entitled, "An Act to provide for the licensing of and
19 against the evils arising from the sale of intoxicating liquors," approved
20 March 3, 1874, in force July 1, 1874: *Provided*, that in all cases where a li-
21 cense is granted for the sale of malt liquors only, such board may grant the
22 same upon the payment into the county treasury for the uses above named of
23 a sum not less than one hundred and fifty dollars (\$150) per annum for each
24 license: *Provided, further*, such board shall not have power to issue any license
25 to keep a dram shop in any incorporated city, town or village, or within one
26 mile of the same, in which the corporate authorities have authority to license,
27 regulate, restrain or prohibit the sale of liquors, or in any place where the sale
28 of liquors is prohibited by law.

Sec. 2. Any and all Acts or parts of Acts in conflict herewith are hereby
2, repealed.

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- 1 Introduced by Mr. McGuire, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to provide for the regulation and control of rates of premium of fire insurance and to prevent discriminations therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every fire insurance company shall file with
3 the Superintendent of Insurance, general basis schedules showing the rates on
4 all classes of risks insurable by such fire insurance company in this State, and
5 all changes, credits, terms, privileges and conditions which in any wise affect
6 such aforesaid rates or the value of the insurance issued to assured.

Sec. 2. No change shall be made in the schedules which have been filed in
2 compliance with the requirements of this Act, except after ten days' notice to
3 the Superintendent of Insurance, which notice shall plainly state the changes
4 proposed to be made in the schedules then in force and the time when such

5 changes will go into effect; and such changes shall be shown by filing new
6 schedules, or shall be plainly indicated on the schedules in force at the time;
7 *Provided*, that the Superintendent of Insurance may, in his discretion and for
8 good cause shown, allow changes upon less than the notice specified herein,
9 either in particular instances or by a general order applicable to special or pe-
10 culiar circumstances or conditions.

Sec. 3. When the Superintendent of Insurance shall determine that any
2 rate made by an insurance company in this State is excessive or unreasonably
3 high, or that said rate is not adequate to the safety or soundness of the com-
4 pany granting the same, he is authorized to direct said company to publish and
5 file a higher or a lower rate, which shall be commensurate with the character
6 of the risk, but in every case the rate shall be reasonable.

Sec. 4. That no fire insurance company shall engage or participate in the
2 insurance of any property located in this State unless the schedule of rates
3 under which such property is insured has been filed in accordance with the pro-
4 visions of this Act; nor shall any fire insurance company write any insurance
5 at a rate different than the rate named in its schedules, or refund or remit in any
6 manner or by any device any portion of the rates so established, or extend to
7 any insured or other person any privileges, advantage, favor, inducement
8 or concession, except as is specified in such schedule.

Sec. 5. No fire insurance company or officer, agent or representative
2 thereof, shall enter into any contract of insurance on any property located in
3 this State, unless such company, at least five days prior to entering into such
4 contract, shall have filed with the Superintendent of Insurance, in such form
5 or forms as shall be by him prescribed, a statement truly setting forth the de-
6 scription of such property, the rate thereon, and such other information as the
7 Superintendent of Insurance shall require. Such statement shall conform to

8 the schedule provided for in this Act, and when so filed shall constitute the
9 local tariff rates of premium for said company.

Sec. 6. That all schedules and local tariffs filed in accordance with the pro-
2 visions of this Act shall be open to the inspection of the public, and each local
3 agent shall have and exhibit to the public copies thereof, relative to all risks
4 upon which he is authorized to write insurance.

Sec. 7. That no fire insurance company shall directly or indirectly by any
2 special rate, tariff, rebate, drawback or other device, charge, demand, collect
3 or receive from any person or persons a greater or less or different compensa-
4 tion for the insurance of any property located in this State than it charges, de-
5 mands, collects or receives from any other person or persons for like insurance
6 or risks of a like kind and hazard under similar circumstances and conditions
7 in this State; and any fire insurance company violating any of the provisions
8 of this section shall be deemed guilty of unjust discrimination, which is here-
9 by declared to be unlawful.

Sec. 8. That the Superintendent of Insurance, if he shall find that any in-
2 surance company or any officer, agent or representative thereof, has violated
3 any provisions of this Act, may in his discretion revoke the license of such of-
4 fending company, officer or agent; but the revocation of any license as pro-
5 vided in this section shall in no manner affect the liability of such company, of-
6 ficer, agent or representative, to the infliction of any other penalty hereinafter
7 provided by any other section for violation of this Act: *And, provided*, that any
8 section, decision or determination of the Superintendent of Insurance under
9 the provisions of this Act shall be subject to review by the courts of this State
10 as herein provided.

Sec. 9. The Superintendent of Insurance shall not make any regulation or
2 order without giving the insurance company concerned reasonable notice there-

3 of, and an opportunity to appear and be heard in respect to the same, and if
4 any insurance company, or any other person, city or municipality which shall
5 be interested in said order shall be dissatisfied with any regulation, order or
6 rates adopted by said Superintendent of Insurance, said party or parties shall
7 have the right within thirty days after the making of said regulation or order
8 to bring an action against said Superintendent of Insurance in any district court
9 of the State of Illinois to have such regulation or order vacated, and shall set
10 forth in the petition the particular regulation or order complained of and the
11 particular cause or causes of objection to any or all of them, and a summons
12 shall be served upon the Superintendent of Insurance by delivering a copy
13 thereof to his office at the State capitol, and such service may be had by the
14 clerk delivering a certified copy of said summons by mail to the said Superin-
15 tendent of Insurance at his office. Issues shall be formed and the controversy
16 tried and determined as in other cases of a civil nature; and the court may
17 set aside, vacate or annul one or more or any part of any of the regulations or
18 orders adopted or fixed by the said Superintendent of Insurance which shall be
19 by said court found to be unreasonable, unjust, excessive or inadequate to com-
20 pensate the company writing insurance thereon for the risk assumed by it, with-
21 out disturbing others. No injunction, interlocutory order or decree suspend-
22 ing or restraining the enforcement of an order of the Superintendent of Insur-
23 ance shall be granted: *Provided*, that the court may permit any company under
24 this Act to write insurance at any rates which obtained prior to the ordering
25 of the rate complained of, by the Superintendent of Insurance, upon condi-
26 tion that the difference between the rate complained of by the company and the
27 rate at which it seeks to write insurance may be deposited with the Superin-
28 tendent of Insurance, and on the final determination of the suit shall be paid
29 by him to the insurance company, if the court shall find it entitled to the same,
30 or to the holders of policies written by said company after the rate complained

31 of was ordered by the Superintendent of Insurance, as the court may deem just
32 and equitable. Whenever any action shall be brought by any insurance com-
33 pany under the provisions of this section within said period of thirty days,
34 no penalties or forfeitures shall attach or accrue on account of the failure of
35 the plaintiff to comply with the order sought to be vacated or modified in said
36 action until the final determination of said suit. Either party to said cause, if
37 dissatisfied with the judgment or decree of said court, may institute proceed-
38 ings in error in the Supreme Court as in other civil cases, and said court shall
39 examine the record, including the evidence, and render such judgment as shall be
40 just and equitable in the premises. No action shall be brought in any of the
41 courts of the United States to set aside any order made by the Superintendent
42 of Insurance under the provisions of this Act before all of the remedies provided
43 for herein shall have been exhausted by the party complaining. And if any
44 company organized under the laws of this State, or authorized to transact the
45 business of insurance in this State by the Superintendent of Insurance, shall
46 violate this section, the Superintendent of Insurance may cancel the authority
47 of said insurance company to transact business in this State.

Sec. 10. That any fire insurance company, or any director or officer there-
2 of, or any agent or person acting for or employed by such company, who alone,
3 or with any other corporation, company or person, shall wilfully do or cause
4 to be done, or shall wilfully suffer or permit to be done, any act, matter or
5 thing in this Act prohibited or declared to be unlawful, or who shall wilfully
6 omit or fail to do any act, matter or thing in this Act required to be done, or
7 shall cause or wilfully suffer or permit any act, matter or thing so directed
8 by this Act to be done, not to be done, or shall be guilty of any infraction of
9 this Act, shall be deemed guilty of a misdemeanor and shall upon conviction
10 thereof be punished by a fine not to exceed one hundred dollars for each offense:

11 *Provided*, that if the offense for which any person shall be convicted, as afore-
12 said, shall be an unlawful discrimination, such person shall be punished by a
13 fine not exceeding one hundred dollars, or by imprisonment in the county jail
14 for a term not exceeding ninety days, or by both such fine and imprisonment.

Sec. 11. No person shall be excused from giving testimony, or producing
2 evidence, when legally called upon so to do at the trial of any person charged
3 with violation of any of the provisions of this Act, on the ground that it may
4 tend to incriminate him under the laws of this State; but no person shall be
5 prosecuted or subject to any penalty or forfeiture for or on account of any trans-
6 action, matter or thing concerning which he may so testify or produce evidence,
7 under the authority of this Act, except for perjury committed in so testifying.

- 1 Introduced by Mr. Morris, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous Sub-
jects.

A BILL

For an Act to effect and facilitate a thorough examination of electrical wiremen, linemen and operators throughout the State of Illinois, and to provide for a more adequate protection of life and property.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That within thirty days after the passage of this
3 Act, the Governor of the State of Illinois, by and with the advice and consent
4 of the Senate, shall appoint a chief electrical examiner for the term of three
5 years, commencing on the first day of July, 1909, after his appointment; and
6 the said chief electrical examiner and inspector, with the approval of the Gov-
7 ernor, shall appoint not to exceed eight district electrical examiners and inspect-
8 ors: *Provided, however,* that not more than four shall be members of one
9 political party. That the appointment of district electrical examiners and in-

10 spectors shall be for a term of three years from the date of their respective
11 appointments. That the chief electrical examiner and inspector may be at any
12 time, with the advice and consent of the Governor, for the cause, discharge
13 from the service any district electrical examiner and inspector. That the dis-
14 tricts referred to shall be designated by the chief electrical examiner and in-
15 spector.

Sec. 2. That the chief electrical examiner and inspector, and the district
2 electrical examiners and inspectors so appointed, shall be competent and prac-
3 tical electricians, with not less than ten years' constant service previous to
4 their appointments on inside wiring and general outside electrical construction
5 work.

Sec. 3. The chief electrical examiner and inspector, and the district electri-
2 cal examiners and inspectors so appointed, shall give their whole time and
3 attention to the duties of their respective offices. The chief electrical exam-
4 iner and inspector shall be located in the State House; at Springfield, Illinois,
5 and for the purpose of keeping the records of department, and other duties
6 pertaining thereto, shall be allowed one stenographer, who shall act as secre-
7 tary; and such appointment shall be made by the chief electrical examiner and
8 inspector, and be for a term of three years.

Sec. 4. The chief electrical examiner and inspector shall receive a salary
2 of three thousand dollars per annum and all traveling expenses in the execu-
3 tion of the duties of his office, not to exceed one thousand dollars per annum,
4 and shall give bond in the sum of five thousand dollars. The district electrical
5 examiners and inspectors so appointed shall each receive the sum of fifteen
6 hundred dollars per annum and traveling expenses for each in the execution
7 of the duties of his office not to exceed one thousand dollars per annum, and
8 shall each give a bond to the State of Illinois in the sum of three thousand

9 dollars. The secretary and stenographer shall receive a salary of twelve hun-
10 dred dollars per annum and give a bond in the sum of two thousand dollars.
11 All bonds required by this Act to be given shall be approved by the Governor.

Sec. 5. That the salaries of the chief electrical examiner and inspector, dis-
2 trict electrical examiners and inspectors, and its secretary and stenographer,
3 including traveling expenses of the chief electrical examiner and inspector, dis-
4 trict electrical examiners and inspectors, and office and incidental expenses
5 shall be paid in monthly installments out of the funds of this department in
6 the State treasury, on the warrant of the Auditor of the State, upon the pre-
7 sentation to him of proper vouchers, duly signed by the chief electrical ex-
8 aminer and inspector.

Sec. 6. All fees collected by the district electrical examiners and inspect-
2 ors from examinations and the issue of licenses, or the renewal of same, shall
3 be remitted to the chief electrical examiner and inspector, together with a
4 monthly report of the business of his office, not later than the fifth day of
5 each month. The chief electrical examiner and inspector shall, on or before
6 the tenth day of each month, pay into the treasury of the State, to the credit
7 of the chief electrical examiner and inspector, all moneys and fees by him so
8 received from different electrical examiners and inspectors; and, further, the
9 said chief electrical examiner and inspector shall, on or before the tenth day
10 of each month, file a monthly report with the Governor of the business of his
11 office and the amount received by him and paid into the treasury of the State.

Sec. 7. That the power and authority is vested in the chief electrical ex-
2 aminer and inspector, and district electrical examiners and inspectors, to
3 enter upon or into any building within the State, at any and all reasonable
4 hours, for the purpose of making an inspection of any class of electrical wir-
5 ing or apparatus. In the event of any defective wiring being discovered by

6 the chief electrical examiner and inspector, or district electrical examiners
7 and inspectors, the owner or tenant of said building or buildings shall, with-
8 in twenty-four hours after receiving written notice from this department, rem-
9 edy such defects within a reasonable time; and on failure of the owner or
10 tenant of said building or buildings, who has received notice in writing out-
11 lining the defects of electrical wiring or apparatus, to make such repairs with-
12 in a reasonable time, such wiring or other appurtenances or apparatus shall
13 be condemned, and shall not be used for the conveying of any current for
14 lighting, heating, power or any other purpose; and any corporation, firm or
15 company furnishing said current, shall forthwith disconnect such service enter-
16 ing into said building or buildings, until all defects in the electric wiring or
17 apparatus have been fully and properly remedied to the satisfaction of the
18 chief electrical examiner and inspector, or district electrical examiner and in-
19 spector.

Sec. 8. That the chief electrical examiner and inspector shall inspect, or
2 have inspected by his district electrical examiners and inspectors, all State
3 buildings and institutions, at least semi-annually, as to the condition of all
4 wiring, electrical machinery and appurtenances connected therewith, and shall
5 make a report of such inspection, in writing, to the Governor. That the chief
6 electrical examiner and inspector, and the district electrical examiners and in-
7 spectors, if they deem it necessary, for the protection of life and property,
8 shall supervise and direct the location or removal of all outside serial wires
9 now erected or hereafter erected in this State.

Sec. 9. Any person who desires to act as an electrical wireman, lineman,
2 inside or outside helpers, operators of moving picture machines or theatre
3 switch boards, or of any electrical appliance or apparatus, shall make applica-
4 tion to the district electrical examiner and inspector of his district for a

5 license so to act, upon a blank furnished by the examiner, and shall success-
6 fully pass an examination as hereinafter provided, under such rules and reg-
7 ulations as may be prescribed by the chief electrical examiner and inspector,
8 which rules and regulations and standards of examination shall be uniform
9 throughout the State. If, upon such examination, the applicant is found proficient,
10 a license shall be granted him to do the class of work for which he has quali-
11 fied. There shall be five grades of licenses issued, namely: Inside wiremen;
12 second, outside linemen; third, outside and inside helpers; fourth, operators,
13 theatre switch boards; fifth, operators, moving picture machines. Electrical
14 wiremen, linemen and operators must pass an examination upon the grade of
15 work for which he wishes to qualify, namely: Inside wiring, outside line work,
16 operation of theatre switch boards and electrical appliances and operation of
17 moving picture machines. Helpers to wiremen and linemen must be licensed,
18 but requires no examination, and they shall not do any inside or outside wir-
19 ing which is for the purpose of conveying electricity, unless in the presence
20 and under the direction of a regularly licensed wireman or lineman in charge.
21 No helper shall at any time, except in the immediate presence and under the
22 direction of a regularly licensed lineman or wireman in charge of the work, do
23 any installing, construction, operation, repairing or maintaining of any wires,
24 ducts or cables.

Sec. 10. All licenses issued shall continue in force for one year from the
2 date the same is issued: *Provided, however,* the district electrical examiner
3 and inspector may, upon written charges, after notice and hearing, revoke the
4 license of any person found guilty of fraud in passing any examination under
5 this Act, or who may be negligent or incompetent for any reason.

Sec. 11. The fee for examination of applicants for license shall be five
2 dollars (\$5.00), to be paid at the time of the application for examination, and
3 two dollars (\$2.00) for each renewal of license.

Sec. 12. Electrical linemen, wiremen, helpers and operators, who have been
2 granted a license, shall receive a badge, furnished by this department, said
3 badges being the property of the State, and said badges must be worn con-
4 spicuously at all times while in the execution of any work under the provi-
5 sions of this Act.

Sec. 13. No license or the renewal of the same, granted or issued under
2 the provisions of this Act, shall be assignable or transferable, and such license
3 or renewal shall specify the name of the person to whom issued.

Sec. 14. Any person dissatisfied with the action of the district electrical
2 examiner and inspector, in refusing or revoking a license, or the renewal of
3 the same, or in the condemnation of any inside or outside wiring, or other
4 electric appliance, may appeal to the chief electrical examiner and inspector,
5 who shall thereupon investigate, and his decision shall be final.

Sec. 15. No person shall engage in the electrical construction of any inside
2 or outside wiring, or maintenance or repair of any electrical wiring, cables, ducts
3 fusing or other electrical apparatus, or operate any theatre switch board or
4 appurtenance or moving picture machines, or other electrical appliance, with-
5 out first having secured a license so to do, as provided in this Act. No per-
6 son, firm or corporation shall employ any wireman, lineman, helper or oper-
7 ator other than those who have been granted a license, as herein provided:
8 and any person, firm or corporation who violates any provisions of this Act,
9 shall be guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine
10 of not less than twenty-five dollars and not more than one hundred dollars;
11 and all fines so assessed and collected shall be paid into the treasury of the
12 State of Illinois, to the credit of this department.

Sec. 16. All Acts and parts of Acts inconsistent with this Act are hereby
2 repealed.

- 1 Introduced by Mr. O'Brien, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act maying it a felony for any corporation, association, co-partnership, person or persons to furnish by means of telegrams, telephones or private wire, market quotations for the pretended buying or selling of shares of stock or bonds of any corporation, or petroleum, cotton, grain, provisions or other produce, either on margins or otherwise

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any corporation, asso-
3 ciation, co-partnership, person or persons, to transmit into, or in this State by
4 means of telegrams, telephone or by means of any private wire owned, leased
5 or operated by such corporation, association, co-partnership, person or per-
6 sons, to themselves, or to any other corporation, association, co-partnership,
7 person or persons, any market quotations for the pretended buying or selling of
8 shares of stock or bonds in any corporation or petroleum, cotton, grain, pro-
9 visions, or other produce, on margins or otherwise, or to any room, building,

10 booth or shed, wherein is conducted, or permitted, the pretended buying or
11 selling of such property on margins or otherwise or when the party buying any
12 such property, or offering to buy the same, or selling such property or offer-
13 ing to sell the same, does not intend actually to receive and paying for the
14 same, if purchased, or to deliver the same if sold; and the transmission of
15 such market quotations by telegrams, telephone or private wire, but such corpor-
16 ation, association, co-partnership, person or persons into or in this State, is
17 hereby prohibited. And any corporation or person, whether acting individu-
18 ally, or as a member, or as an officer, agent or employe, of any corporation, as-
19 sociation or co-partnership, who shall be guilty of violating this section, shall,
20 upon conviction thereof, be imprisoned in the penitentiary not less than one
21 nor more than ten years.

Sec. 2. Any corporation, association, co-partnership, person or persons re-
2 ceiving from any corporation, association, co-partnership, person or persons,
3 any market quotations, who shall exhibit or display, by means of any blackboard,
4 slate, sheet or in any other manner any statements or quotations of the mar-
5 kets or prices of any such property described in section one (1) of this Act,
6 with a view to the pretended buying or selling of such property, shall be deemed
7 an accessory, and upon conviction thereof shall be imprisoned the same as the
8 principal, and as provided in section one (1) of this Act.

- 1 Introduced by Mr. Price, by request, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriation for the State Northern Hospital for the Insane,
at Elgin, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That fifteen thousand (15,000) dollars, be and is
3 hereby appropriated to the Northern Hospital for the Insane, at Elgin, for the
4 purpose of constructing a spur track from the Northwestern Railway Com-
5 pany's tracks to the gravel pits on the grounds of said Northern Hospital for
6 the Insane.

Sec. 2. That the trustees of said Northern Hospital for the Insane be em-
2 powered and instructed to invest all moneys received by the treasurer for the
3 sale of gravel to the purchase of additional lands for the State.

Sec. 3. The money hereby appropriated shall be due and payable to the
2 trustees for the Northern Hospital for the Insane on their orders only, and on
3 the terms and in the manner now provided by law.

AMENDMENT TO

46th Assem.

HOUSE—No. 420

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend the printed bill by striking out in section 1, line 2, the words and figure s“\$15,000.00,” and inserting in lieu thereof the words and figures “\$10,000.00.”

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- 1 Introduced by Mr. Price, by request, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to appropriate the sum of twenty thousand dollars (\$20,000), or so much thereof as may be necessary, for the purpose of constructing an armory building for the use of Company E of the Third Regiment, Illinois National Guard, located in Elgin, Kane county, Illinois, provided that there shall be deeded to the State suitable ground upon which to erect said armory, the site to be approved by the Adjutant General.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That twenty thousand dollars (\$20,000), or so much thereof as may be necessary, is hereby appropriated to pay for the erection of an armory for the use of Company E of the Third Regiment, Illinois National Guard, located in Elgin, Kane county, Illinois: *Provided, however,* that there shall be deeded to the State suitable ground upon which to erect said

7 armory, within six months from the passage of this Act, the site to be ap-
8 proved by the Adjutant General.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant for the sum herein specified, upon the presentation of proper vouch-
3 ers certified to by the Adjutant General and approved by the Governor, and
4 the Treasurer shall pay the same out of the money hereby appropriated.

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- 1 Introduced by Mr. Scanlan, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section two of an Act entitled, “An Act to authorize the judges of the circuit courts to appoint shorthand reporters for the taking and preservation of evidence, and to provide for their compensation,” approved May 31, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section two of an Act entitled, “An Act to
3 authorize the judges of the circuit courts to appoint shorthand reporters for
4 the taking and preservation of evidence, and to provide for their compensation,”
5 approved May 31, 1887, in force July 1, 1887, be amended to read as follows:
6 Sec. 2. The said reporter shall cause full phonographic notes of the evi-
7 dence in all trials in the court for which he is so appointed to be taken down, and
8 one transcript of the same if desired by either party of the suit or by their
9 attorney or by the judge of the court, to be forthwith correctly made and fur-
10 nished to the party so desiring it. *The compensation of the reporter for taking*

11 *such phonographic notes, shall be eight dollars (\$8.00) per day for each day*
12 *court is in session.* The presiding judge of the court shall furnish to said re-
13 porter at the close of each term of court a certificate showing the amount per
14 diem due him, and upon presentation to the county treasurer of such county
15 he shall pay the same out of any funds of such county in his hands. Said re-
16 porter shall be allowed to charge not to exceed fifteen cents per one hundred
17 words for making transcripts of said shorthand notes, to be paid in the first
18 instance by the party on whose behalf such transcript is ordered, and allowed
19 and taxed as costs in the suit, and the transcript when so paid for by the party
20 ordering it and the charges for the same is taxed as costs, the same shall be
21 filed and remain with the papers in the case: *Provided, however,* that when the
22 judge trying the cause shall, of his own motion, order a transcript of said
23 shorthand notes as hereinbefore provided, he may direct the payment of the
24 charges therefor and the taxation of the same as costs in such manner as to
25 him may seem just: *Provided, always,* that the charges for making but one tran-
26 script may be taxed as costs, the party first ordering the transcript shall have
27 the preference, unless it shall be otherwise ordered by the court.

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- 1 Introduced by Mr. Scanlan, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section seven (7) of an Act entitled, "An Act requiring reports of births and deaths, and the recording of the same and prescribing a penalty for non-compliance with the provisions thereof, and repealing certain Acts therein named," approved May 6, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section seven (7) of an Act entitled, "An
3 Act requiring reports of births and deaths, and the recording of the same and
4 prescribing a penalty for non-compliance with the provisions thereof, and re-
5 pealing certain Acts therein named," approved May 6, 1903, in force July 1,
6 1903, be amended so as to read as follows:

7 Sec. 7. Every physician, midwife or coroner who shall make a report of
8 death to the State Board of Health in the manner provided for in the preceding

9 sections and every city or village official in the cities referred to in section 4
10 of this Act, by whom burial or removal permits are issued, and to whom certi-
11 ficates or reports of death are presented who shall make such report shall be
12 paid for each report the sum of twenty-five (25) cents.

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- 1 Introduced by Mr. Shanahan, by request, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation to provide for a deficiency in the ordinary and contingent expenses of the State Board of Live Stock Commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of three thousand, four hundred dol-
3 lars (\$3,400) or so much thereof as may be needed, be and is hereby appropri-
4 ated to meet a deficiency in the ordinary and contingent expenses of the State
5 Board of Live Stock Commissioners, to-wit:
6 Deficiency in the appropriation for paying damages for animals diseased
7 or exposed to contagion, slaughtered; for per diem and traveling ex-
8 penses of assistant State Veterinarians and special agents; for prop-
9 erty necessarily destroyed or disinfection of premises, when such dis-
10 infection is practicable under any law of this State for the suppres-
11 sion and prevention of the spread of contagious and infectious dis-
12 eases among domestic animals, the sum of..... \$3,000

13	Deficiency in the appropriation for paying the traveling and incidental ex-	
14	penses of the commissioners and secretary	100
15	Deficiency in the appropriation for incidental office expenses.....	300
16		<hr/>
17	Total	\$3,400

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
warrants for the above amounts upon the State Treasurer, upon vouchers certi-
fied by the Board of Live Stock Commissioners, and approved by the Governor.

Sec. 3. WHEREAS, An emergency exists, therefore this Act shall take effect
and be in force from and after its passage

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- 1 Introduced by Mr. Sollitt, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act authorizing the University of Illinois to provide special training for persons employed in or being fitted for service in the State charitable and correctional institutions, or in similar institutions over which the State now exercises or may hereafter exercise supervisory or visitorial powers, and for persons employed in or being fitted for the inspectional or other public service of the State, and to make appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The University of Illinois is hereby authorized and
3 directed to provide special training designed to increase the efficiency of per-
4 sons who are employed in or are being fitted for service in the State chari-
5 table and correctional institutions, or in similar institutions in which the State
6 now exercises or may hereafter exercise supervisory or visitorial powers, and

7 persons employed in or being fitted for the inspectional or other public service
8 of the State; and to provide for this purpose such instructors, facilities and
9 equipment as may be necessary to make such training practical.

Sec. 2. The sum of five thousand dollars (\$5,000) per annum is hereby
2 appropriated out of any money in the State treasury not otherwise appropri-
3 ated, to the University of Illinois, to be expended by and under the direction
4 of the said University of Illinois, to carry out the provisions of this Act; and
5 the Auditor of Public Accounts is hereby authorized and instructed to draw
6 his warrant on the State Treasurer for the sum appropriated in this Act, upon
7 the order of the chairman of the Board of Trustees of the University of Illi-
8 nois, countersigned by the secretary, and with the corporate seal of the univer-
9 sity: *Provided*, that no part of said sum shall be due and payable to said
10 university until satisfactory vouchers in detail, approved by the Governor, shall
11 be filed with the Auditor for all previous expenditures incurred by the univer-
12 sity on account of the appropriation hitherto made: *And, provided, further*,
13 that vouchers shall be taken in duplicate, and original or duplicate vouchers
14 shall be forwarded to the Auditor of the Public Accounts for the expenditure
15 of the sum appropriated in this Act.

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- 1 Introduced by Mr. Stearns, March 30, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act granting the right of eminent domain to electric light and distributing companies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any company which has been or shall be in-
3 corporated under the laws of this State for the purpose of constructing or ac-
4 quiring, and maintaining and operating an electrical production and distrib-
5 ution system, intended for the production of electricity and its sale and dis-
6 tribution to the general public, may, subject to the provisions contained in
7 this Act, enter upon, for the purpose of examination and survey, appropriate
8 and damage any property, or may have a right of way over or beneath the
9 surface of any property, for the construction, extension, repairing, mainte-
10 nance and operation of such electrical system, including, as the case may be,
11 buildings, poles, conduits, wires and such appliances as may be incidental to

12 or requisite for such electrical system, and may, subject to the provisions con-
13 tained in this Act, locate, construct, extend, maintain and operate the poles, con-
14 duits, wires and other property and appliances along, upon, across or under
15 any street, alley, road, highway or public ground, or along, across or under any
16 waters in this State, in such manner as not to unnecessarily obstruct the pub-
17 lic use of such street, alley, road, highway or public ground, or interrupt the
18 navigation of such waters: *Provided*, that no such company shall have the
19 right to locate or construct its poles, conduits, wires or other property and
20 appliances along, across, upon or under any public street or public alley, or
21 over or under any public ground in any city, incorporated town or village, with-
22 out the consent of the corporate authorities of such city, incorporated town
23 or village: *And, provided*, that before any poles, conduits, wires or other prop-
24 erty or appliances shall be constructed along, across, upon or under any pub-
25 lic road or public highway outside of the limits of any city, incorporated town
26 or village, it shall be the duty of the company proposing to construct any
27 such poles, conduits, wires or other property or appliances, to give the highway
28 commissioners having jurisdiction and control over the road or highway, or part
29 thereof proposed to be used, notice in writing of the purpose and intention of
30 said company to construct such poles, conduits, wires or other property or
31 appliances along, across, upon or under said road or highway, which said no-
32 tice shall be served at least ten days before said poles, conduits, wires or
33 other property or appliances shall be placed or constructed along, across,
34 upon or under said road or highway; and upon the giving of said notice it shall
35 be the duty of said highway commission to specify the portion of such road or
36 highway which said company may use for the purposes in said notice specified
37 and it shall thereupon be the duty of said company to construct its said poles,
38 conduits, wires or other property or appliances in accordance with such spec-
39 ifications; but in the event that the said highway commissioners shall, for any

40 reason, fail to make such specifications within ten days after the service of such
41 notice, then the said company, without such specifications having been made,
42 may proceed to place, erect and construct its said poles, conduits, wires or other
43 property or appliances, along, across, upon or under said road or highway, in
44 such manner, however, as not to interfere with the other proper uses of said
45 road or highway.

Sec. 2. When it shall be necessary for any such company to enter upon,
2 take or damage private property, or to acquire a right of way over or beneath
3 the surface of any private property, for the construction, extension, repairing,
4 maintenance or operation of such electrical system, the same may be done by
5 such company, and the compensation thereof may be ascertained and made in
6 the manner which may be then provided by law for the exercise of the right
7 of eminent domain.

Sec. 3. Such company shall not have the right to condemn any portion
2 of the right of way of any railroad company, except as much thereof as is
3 necessary to cross the same, and in respect to such crossing such company
4 shall comply with all laws now or hereafter existing regulating such crossing.
5 Whenever the wires of any such company are extended over the rails of any
6 steam or electric railroad within the State of Illinois, such company shall
7 maintain such wires not less than twenty-five feet above the surface of the
8 rails. Any failure or refusal so to do shall render such company liable to a
9 fine of not more than fifty dollars for each offense, to be recovered upon con-
10 viction thereof before any court of competent jurisdiction. All fines collected
11 by virtue of this Act shall be paid into the common school fund of the township
12 in which the offense is committed.

- 1 Introduced by Mr. Stevenson, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the Southern Illinois Penitentiary at Chester.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That the following amounts, or so much thereof as
3 may be necessary, be and the same are hereby appropriated to the
4 Southern Illinois Penitentiary at Chester, for the purpose hereinafter named,
5 and no other:

6 For ordinary expenses of the penitentiary and for the expenses of the
7 commissioners and officers for the two years ending June 30, 1911, \$200,000.00
8 per annum.

9 For maintaining library and furnishing chapel, \$360.00 per annum.

10 For expenses enforcing parole law, \$5,000.00 per annum.

11 For repairs and refurnishing, \$5,000.00 per annum.

12 For cow barn on farm, \$6,000.00.

13 For replacing water mains and improvements of reservoir, \$4,000.00.

- 14 For completing the stone wall around prison yard, \$10,000.00.
15 For the installation of a new power and electric light plant, \$60,000.00.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrants upon the State Treasurer for the moneys herein appropriated, upon
3 the order of the Board of Commissioners of said penitentiary, attested by its
4 secretary, with the seal of the institution attached, and approved by the
5 Governor.

- 1 Introduced by Mr. White, March 30, 1909.
- 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to amend the penal code to punish employers and contractors of labor relative to bribery of representatives of labor organizations, and providing a penalty for violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the penal code is hereby amended by adding
3 the following sections: That any firm or corporation, a member thereof or
4 agent who gives or offers to give any money or other things of value to any
5 duly accredited representative of a labor organization, with intent to influ-
6 ence him in respect to any of his acts, decisions or other duties of such rep-
7 resentative, or to induce him to prevent or cause a strike of the employes of
8 any person, firm or corporation, shall be deemed guilty of a misdemeanor;
9 and any representatives of a labor organization who shall solicit or accept any
10 money or anything of value, either to prevent a strike or to settle an existing

11 strike, shall be deemed guilty in like manner: *Provided*, nothing herein shall
12 be construed to prohibit any representative of the labor organizations from act-
13 ing in this capacity as such representative in any dispute involving increased
14 wages or better conditions for those he represents.

Sec. 2. No firm or corporation or member thereof, or agent, shall be ex-
2 cused from attending and testifying or producing any books, papers or other
3 documents before any court or magistrate upon any investigation, proceeding
4 or trial for a violation of the foregoing sections upon the ground or for the
5 reason that the testimony or evidence, documentary or otherwise, required of
6 him, may tend to convict him of the or subject him to a penalty or forfeit-
7 ure, but no firm or corporation or member thereof, or agent, shall be prose-
8 cuted or subjected to any penalty or forfeiture for or on account of any trans-
9 action, matter or thing concerning which he may testify to, or produce evidence
10 of, documentary or otherwise; and no testimony so given or produced shall be
11 received against him upon any criminal investigation or proceedings.

12 Any violation of the provisions of the foregoing sections shall be punish-
13 able by fine of not less than fifty dollars nor more than five thousand dollars,
14 or imprisonment in the county jail of from one month to one year, in the dis-
15 cretion of the court.

16 It is hereby made the duty of the State's attorneys in each county of
17 this State to enforce the provisions of this Act.

- 1 Introduced by Mr. Holaday, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act to provide for the protection of water for domestic use from pollution,
and to provide for its purification.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever the State Board of Health or the
3 common council or board of health of any city or village or the board of county
4 commissioners or the board of supervisors of any county or the the trustees of
5 any township in this State shall make complaint in writing to the State Water
6 survey, charging that any city, town, village, corporation, person or firm, named
7 in the said complaint, is discharging or is permitting to be discharged, any
8 sewage or other waste matters into any stream, water-course, lake, pond or
9 other source of public water supply, and is thereby materially injuring the
10 character of the water into which the same is discharged, to the injury of pub-
11 lic health or comfort, or is polluting the source of any public water supply, it

12 shall be the duty of the State Water Survey to forthwith inquire into and in-
 13 vestigate the conditions complained of and if upon such investigation said sur-
 14 vey shall find that the sources of the public water supply of any city, town,
 15 village or community in this State is being subject to contamination, or has
 16 been rendered impure by reason of the discharge of sewage or other waste mat-
 17 ters, or in any other manner by any city, town, village, corporation or person.
 18 it shall notify such city, village, corporation or person causing the contamina-
 19 tion or pollution of any said stream, water-course, lake or pond, of its findings.
 20 and give them an opportunity to be heard. After such hearing, if the State
 21 Water Survey determines that improvements or changes are necessary and
 22 should be made, then said board shall notify the offender to install such im-
 23 provements or changes in the offender's works, plant or property. if the said
 24 survey knows of any, as will render the noxious matter so being passed into
 25 the water not detrimental to the public health. Such improvements or changes
 26 must be completed and put into operation within a time to be fixed by said Sur-
 27 vey. The provisions of this section shall not apply to or be enforced against
 28 any city, town, village or municipality located on a stream, lake or pond, any
 29 part of which forms a boundary between the State of Illinois and another state,
 30 or any part of a stream which flows from another state, so long as the unpuri-
 31 fied sewage of cities, towns, villages, corporations or firms of such other states
 32 is permitted by law to be discharged into such stream, lake or pond upstream
 33 from such Illinois city, town, village or other municipality.

Sec. 2. Whenever the State Board of Health, or the board of health, the
 2 health officer, or ten per cent of the electors of any city, town or village in this
 3 State, shall file with the State Water Survey a complaint in writing, setting
 4 forth that it is believed that the public water supply of such city, town or vil-
 5 lage is impure and dangerous to health, it shall be the duty of the State Water
 6 Survey forthwith to inquire into, and investigate the charges made in such
 7 complaint, and if the State Water Survey upon such investigation, shall find

8 and determine that such public water supply is impure and dangerous to health
9 or that it is not sufficiently purified because of improper construction of works
10 or inefficient management or operation thereof, or of inadequacy of the size of
11 any works designed to purify such public water supply, said State Water Sur-
12 vey shall notify the municipality, corporation or other person operating such
13 water supply of the Survey's findings and give an opportunity to the offender
14 to be heard. After such hearing, if the State Water Survey shall determine
15 that improvements or changes are necessary in the works or plant of the of-
16 fender to render the public water supply pure and healthful, it shall notify
17 such municipality, corporation or other person operating said water supply or
18 works to make such changes as the State Water Survey may recommend with
19 respect to the works or to the source of the water supply, as will render the water
20 pure and healthful to the satisfaction of the State Water Survey, which changes
21 shall be made within a reasonable time to be fixed by the State Water Survey.

Sec. 3. Whenever the State Water Survey shall, on investigation volun-
2 tarily instituted by it or instituted after complaint filed as in sections one and
3 two of this Act mentioned, find that any water purification works or sewage
4 purification works, by reason of incompetent or inefficient supervision or opera-
5 tion are not producing an effluent as pure as might reasonably be obtained
6 from those works, and that, by reason thereof, any public water supply has
7 become impure or dangerous to health or that any stream, water-course, river,
8 spring, lake or pond, has become materially polluted or has become a menace
9 to health, said Survey shall issue an order to the municipality, corporation or
10 other person having charge of, or operating such purification works, requiring
11 that the effluent thereof shall be made as pure as might reasonably be ex-
12 pected from such plant, if properly operated, and as shall be satisfactory to
13 said Survey; and in such order said Survey shall fix a reasonable time within
14 which the order shall be complied with. If such order shall not, within such
15 time, be complied with, the State Water Survey shall order the offender to ap-

16 point, within ten days, a competent person, approved by the said State Water
17 Survey, whose salary shall be paid by the municipality, corporation or firm to
18 whom the order is addressed, to take charge of and to superintend the opera-
19 tion of such purification plant or works, to the end that the effluent of such
20 works shall be made as pure as might reasonably be expected from them,
21 when properly operated, and as shall be satisfactory to said State Water Sur-
22 vey.

Sec. 4. If any order of the State Water Survey, made in pursuance to
2 the provisions of sections one, two or three of this Act, shall not be acceptable
3 to the municipality, corporation or person against whom such order is made,
4 then, within twenty days after the service of such order, such municipality, cor-
5 poration or person may, by written request to said State Water Survey, re-
6 quire it to submit the matter in dispute to two sanitary engineers, one to be
7 selected by the State Water Survey and the other by the party making the
8 request, and in case the two so selected are unable to agree they shall choose
9 a third sanitary engineer, and a finding and report joined in by the two first
10 chosen, or by any two of the three, if a third engineer shall have been chosen,
11 shall become the finding of the Survey, and the basis of an order to be made
12 by the Survey and both shall stand and be in force as a finding and order of the
13 Survey until appealed from as in this Act provided. The sanitary engineers
14 above mentioned shall be reputable and experienced. Such engineers shall pass
15 upon and report, in writing, concerning the necessity and reasonableness of the
16 order of the State Water Survey, making their report to the State Water Sur-
17 vey, and shall therein affirm, modify or reject the existing order of the State
18 Water Survey. Such finding and report shall be *prima facie* evidence of the
19 facts therein contained, and shall be treated as such in any appeal from the
20 State Water Survey to a circuit or superior court, as hereinafter provided. The
21 report of the engineers shall be made to the State Water Survey within thirty
22 days after the appointment of the last of such engineers appointed, unless the

23 State Water Survey shall, at the request of the engineers, extend the time.
24 The State Water Survey shall accept such report and shall enforce it as an
25 order of the Survey, unless an appeal shall be taken therefrom to the circuit
26 or superior court as hereinafter provided. The fees and expenses of the refer-
27 ence to engineers shall be paid equally by the State Water Survey and the per-
28 son or corporation requesting the reference.

Sec. 5. It shall be the duty of the director of the State Water Survey to
2 keep a complete record, in a proper record book of the Survey, of all of the
3 proceedings of said Survey had in pursuance of any provision of this Act and
4 of all evidence taken by the Survey in such proceeding, including as a part of
5 such record, the findings and report of the sanitary engineers to be made as
6 provided for in section four of this Act. Such record shall be a public record
7 open to the public.

Sec. 6. Any one aggrieved by any order of the State Water Survey, made
2 in pursuance of the provisions of this Act, may appeal from such order to the
3 circuit or superior court of the county wherein such purification works are
4 located, and wherein such polluting substance is alleged to be passed into the
5 water, by filing with the director of the State Water Survey within twenty days
6 after service of the order to be appealed from, a written request that an ap-
7 peal be granted, accompanied by a bond with sufficient freehold surety, con-
8 ditioned for the payment of all costs of said appeal, and for any damages that
9 may flow from the suspension of the operation of said order appealed from.
10 pending the appeal, if the party appealing shall be defeated in such appeal.
11 Such appeal shall be perfected by filing with the clerk of such circuit or su-
12 perior court a complete transcript of the record of the State Water Survey in
13 the matter in which the appeal is taken. It shall be the duty of the State
14 Water Survey, as soon as such appeal is prayed and such bond is given and
15 approved by it, to cause such transcript to be made and certified by the director

16 of the State Water Survey and upon payment of the cost of such transcript, at
 17 the rate of fifteen (15) cents for each legal cap typewritten page thereof to
 18 deliver the same to the appellant. Said cause on appeal shall be tried as a
 19 civil cause, denovo, by the court without the intervention of a jury and an
 20 appeal shall lie from the decision of such circuit or superior court therein as
 21 in other civil causes. In such appeal the appellant may contest the necessity and
 22 reasonableness of such order of the State Water Survey. The court, on final
 23 hearing, shall affirm or overrule the order of the State Water Survey appealed
 24 from; if it shall affirm such order the appellant shall be liable for all costs of
 25 such appeal and damages suffered while it was pending growing out of the sus-
 26 pension of the operation of the order appealed from, or the court may adjudge
 27 an equitable division of the costs and disallow damages as to it may seem just.
 28 If the court overrules the order appealed from, the appellant shall be re-
 29 lieved from the payments of costs and damages.

Sec. 7. If any municipality, or officer thereof, upon whom the duty to act
 2 is cast, or any other corporation or officer thereof, on whom the duty to act is
 3 cast, or any person, shall fail or refuse, for a period of ten days after the ex-
 4 piration of the time fixed by the State Water Survey for compliance with its
 5 order, or in case of appeal or appeals for a period of ten days after final judg-
 6 ment affirming the board's order, shall have been entered to obey the same or
 7 in good faith to begin to make the changes and improvements in the works as
 8 ordered by the State Water Survey, such municipality, corporation, officer or
 9 person so failing or refusing, shall become liable for and forfeit to the State
 10 of Illinois the sum of five hundred (\$500) dollars, to be recovered by the State
 11 in a civil action brought in said circuit or superior court, by the State of Illi-
 12 nois on the relation of its attorney general and such penalty, when collected,
 13 shall be paid into the State treasury for the use of the State.

Sec. 8. All cities, towns and other municipalities of this State are hereby
 2 given power to provide the means for paying the costs of constructing purifica-

tion plants to purify the discharge of public sewers and drains, now in existence, or hereafter constructed, by assessing the cost thereof against all of the several parcels of real estate situate within their corporate limits and to make each assessment in a sum as great as, but not greater than the value of the benefits received by each parcel, respectively, by reason of the construction of such plant. The statutes for the construction of public sewers and assessing the cost of the same against real estate, in such municipalities, respectively, are hereby made applicable, as far as they can be, to the construction of such sewage purification plants and the assessing of the cost thereof against real estate benefited thereby and such cost may, at the option of the owner assessed, be paid in ten equal annual installments as in the case of assessments for such sewers.

Sec. 9. Whoever violates any of the provisions of this Act or of any order, rule or regulation of the State Water Survey, made in pursuance of the provisions of this Act, shall, upon conviction of such offense, be fined in a sum not greater than one thousand (\$1,000) dollars, to which may be added imprisonment in the county jail for not more than six months, and it shall be the duty of the attorney general and of the prosecuting attorneys of this State to prosecute for such violations.

AMENDMENTS TO

46th Assem.

HOUSE—No. 429

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend section 1 by striking out the word "common" in line 3 of the printed bill and in lieu thereof insert the word "city," and before the word "village" in said line three insert the words "Board of" and after the word "village" in said line three insert the words "trustees or board of health of any village." In lines 4 and 5 strike out the words "supervisors of any county or the trustees of any" and in lieu thereof insert the words "health of any." In line 12 of section 1 before the word "State" insert "executive board of the chemical and biological survey of the waters of the State established by the trustees of the University of Illinois, according to an Act approved June 7, 1897, in force July 1, 1897, entitled 'An Act to establish a chemical survey of waters of the State of Illinois,' and hereinafter called." In line 13 after the word "said" insert the words "State water," and in line 22 strike out the word "board" and in lieu thereof insert "State water survey," and in line 24 before the word "survey" insert "State water," and in line 26 after the word "said" insert the words "State water."

AMENDMENT NO. 2.

In line 13 of section 2, before the word "survey's" insert "State water."

In line 5 of section 3, before the word "are" insert "or of inadequate or inappropriate apparatus" and in line 9 of section 3, before the word "survey" insert

the words "State water" and in said line 9 strike out the words "issue an order to," and in lieu thereof insert "notify" and before the word "municipality" in said line 9, insert the word "offending," and in line 13 of section 3 before the word "survey" where it appears in said line insert the words "State water" and in said line 13 before the word "survey" where it last appears in said line insert the words "State water."

AMENDMENT NO. 3.

In line 1 of section 4, strike out the word "order" and in lieu thereof insert the word "finding," and in lines 11, 12 and 13 insert the words "State water" before "survey" where it appears in each of said lines. In line 25, before the word "survey" insert the words "State water."

AMENDMENT NO. 4.

In lines 2, 3 and 4 of section 5, insert the words "State water" before the word "survey" where it appears in each of said lines.

- 1 Introduced by Mr. Scanlan, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act for the appointment of a commission to investigate and report on the preservation of certain lands for public parks for the State of Illinois, and to make an appropriation to pay the expenses of said commission.

WHEREAS, The historical spot where the great tribe of the Illini made their
2 last stand, surrounded by Indians from the north, and the site of the French
3 fort of Saint Louis, now known as Starved Rock, on the Illinois river, in LaSalle
4 county, is worthy of being preserved and improved as a public park by the
5 State of Illinois; and,

6 WHEREAS, There are other regions within the State of such historic inter-
7 est or scenic beauty as to make their acquisition for State parks desirable:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* That the Governor of this State be, and he is here-
3 by authorized to appoint a commission of five members, to be known as the

4 Illinois Park Commission, two members thereof to be appointed from the
5 faculties or trustees of the following universities: University of Illinois,
6 University of Chicago, Northwestern University; and three members from the
7 State at large. The members of said commission shall serve without compen-
8 sation, except that their actual expenses, when necessarily absent from their
9 homes on said business, shall be paid.

Sec. 2. There is hereby appropriated the sum of two thousand (\$2,000) dol-
2 lars for postage, stationery, printing, clerical and expert services, incidental
3 and traveling expenses of the commission in the discharge of their duties; and
4 the Auditor of Public Accounts is hereby authorized to draw his warrant for
5 the foregoing amount, or any part thereof, upon presentation of itemized state-
6 ments of such accounts, signed by a majority of said commission and approved
7 by the Governor.

Sec. 3. The duties of this commission shall be: *First*—To make an investi-
2 gation of Starved Rock and its contiguous territory, to ascertain its adaptability
3 for the purposes of a State park, and the value of the property; also to make,
4 at their discretion, a comparative study of other State parks within Illinois,
5 or other states, and the manner in which they are organized and maintained.
6 *Second*—To make to the present General Assembly, or to the Forty-seventh
7 General Assembly, a report containing such information, suggestions and
8 recommendations respecting Starved Rock and adjacent territory, and respect-
9 ing other regions in Illinois desirable for park purposes, as said commission
10 shall deem advisable.

AMENDMENTS TO

46th Assem.

HOUSE—No. 430

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend the printed bill in section 2, line 2, by striking out the words and figures “\$2,000.00,” and inserting in lieu thereof the words and figures “\$1,000.00.”

AMENDMENT NO. 2.

Amend the printed bill by striking out in section 3, line 5, the words “or other states.”

- 1 Introduced by Mr. Lyon, March 30, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 11 of "An Act to revise the law in relation to fugitives from justice," approved February 16, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 11 of "An Act to revise the law in relation to fugitives from justice," approved February 16, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

5 Sec. 11. When the punishment of the crime shall be the confinement of the
6 criminal in the penitentiary, the expenses shall be paid out of the State treas-
7 ury, on the certificate of the Governor and warrant of the Auditor; in all other
8 cases they shall be paid out of the county treasury of the county wherein the
9 crime is alleged to have been committed. *Excepting where the messenger*

10 furnishes itemized receipted vouchers covering actual necessary expenditures,
 11 vouchers covering expenses paid by the State of Illinois shall be made out on
 12 blanks as follows:

13 *In the matter of a requisition dated*.....
 14 *upon the executive authority of the State of*
 15 *for one* *charged by*
 16 *with the crime of* *in the county of*
 17 *and State of Illinois.*
 18
 19 *Messenger.*

20 *THE STATE OF ILLINOIS,*
 21 *To* *Dr.*
 22 *To amount paid for warrant of arrest to Secretary of State of the*
 23 *state upon which requisition was made, as per voucher No. 1, here-*
 24 *unto annexed* \$.....
 25 *To amount paid to the officer who made the arrest, the amount of*
 26 *fees to which he is legally entitled, and no more, as per voucher No.*
 27 *2, hereunto annexed* \$.....
 28 *To* *miles of actual and necessary travel in returning*
 29 *said fugitive* \$.....
 30 *Total* \$.....

ROUTES AND DISTANCES.

31	ROUTES AND DISTANCES.		Miles.
32	From	Illinois, to .....	.....
33	Via	Railroad.....	.....
34	From	to.....	.....
35	Via	Railroad.....	.....
36	From	to.....	.....
37	Via	Railroad.....	.....
38	From	to.....	.....
39	Via	Railroad.....	.....
40	From	to.....	.....
41	Via	Railroad.....	.....
42	From	to.....	.....
43	Via	Railroad.....	.....
44	From	to.....	.....
45	Via	Railroad.....	.....
46	From	to.....	.....
47	Via	Railroad.....	.....
48	Total number of miles .....		.....

DATES OF TRAVEL.

50 *Date of messenger's departure from town or locality making requisition*
51
52 *Date of messenger's arrival at place where fugitive was apprehended....*
53
54 *Date of messenger's departure with fugitive from place fugitive was appre-*
55 *hended*
56 *Date of messenger's arrival with fugitive at place where fugitive was re-*
57 *turned to*

58 **RATES OF MILEAGE**

59	For first 200 miles, 12 cents per mile.....	\$.....
60	For the next 300 miles, 10 cents per mile.....	
61	For the next 500 miles, 8 cents per mile.....	
62	For all over 1,000 miles, 6 cents per mile.....	
63	Total	\$.....

64 I, Messenger, being duly sworn, do hereby de-
 65 clare the foregoing to be a true and correct statement of routes and distances
 66 traveled by me as messenger, the dates of travel, and of the amount paid to the
 67 officers of the state of

68 (Seal.)

69 Messenger.

70 Subscribed and sworn to before me this day of

71

72 Notary Public.

73 STATE OF ILLINOIS, }
 74County. } ss.

75 I, County Judge of said county, do hereby cer-
 76 tify that the foregoing account is correct, and said fugitive
 77 was returned to this county for trial.

78

79 County Judge.

80 STATE OF ILLINOIS, }
 81County. } ss.

82 I, Sheriff of County,
 83 Illinois, do hereby certify that on the day of

84 I received the body of from the hands of the messenger.

85

86 Sheriff.

87 Account allowed and approved this day of

88 for dollars.

89

90 Governor.

91 Messengers returning fugitives shall be allowed by the State the rates of
 92 mileage from the town or locality making the application for the requisition,
 93 by the nearest practical route to and from where the fugitive is found or is in
 94 arrest, as set forth in the above expense blank, or in lieu of such rates of mileage
 95 messengers may be allowed by the State their actual necessary expenses on
 96 filing receipted itemized vouchers showing such expenditures, but not in excess
 97 of twelve cents a mile for the full distance traveled. The rates of mileage in the
 98 account rendered the State of Illinois shall not include miles traveled in going
 99 to and from capitols of states, excepting where the fugitive is contesting the
 100 issuance or honoring of the requisition and where it is necessary for the messen-
 101 ger to appear before the Governor of the State. No attorney fee, or amount
 102 paid to the Secretary of State in Illinois shall be included in expense bills by
 103 the State. The amount paid to the officer making the arrest covered in voucher
 104 No.2, as set forth in the above blank form for the expense account shall not ex-
 105 ceed the amount of fees to which he is legally entitled. No expense account shall
 106 be allowed by the State to a messenger failing to return a fugitive to the
 107 State of Illinois. No expense shall be allowed by the State to a messenger re-
 108 turning a fugitive to Illinois before the requisition is issued by the Governor,
 109 but after the requisition is issued if the fugitive voluntarily agrees to return
 110 to the State without waiting for the requisition to be honored, the expenses shall
 111 be paid: Provided, some evidence is furnished to the effect that the requisition

112 was honored at a later date. If a requisition is not honored no expenses shall be
113 allowed by the State, but such expenses may be paid by the county from which
114 the application for requisition is made. All expense vouchers rendered to the
115 State of Illinois shall show that the requisition has been honored, by attaching
116 the warrant of the Governor of Illinois showing the endorsement of the Gover-
117 nor of the State upon which the requisition is issued to the effect that he has
118 honored the requisition or by attaching the receipt for the fee paid by the mes-
119 senger to the state honoring the requisition. The expenses shall be the fees paid
120 to the officers of the state on whose Governor the requisition is made, and not
121 exceeding twelve cents per mile for all necessary travel in returning such fugi-
122 tives, *except as otherwise provided in this Act*. Before such accounts shall be
123 certified by the Governor, or paid by the county, they shall be verified by affi-
124 davit, and certified to by the judge of the county court of the county wherein
125 the crime is alleged to have been committed.

AMENDMENT TO

46th Assem.

HOUSE—No. 431

May 1909

Adopted April 23, 1909.

AMENDMENT NO. 1.

Amend printed bill by adding after the word "committed" in the one hundred and twenty-fifth line, the following words: "The fees provided for herein to be paid by the State shall apply only in cases of the return of a fugitive from justice from any of the several states and territories of the United States."

- 1 Introduced by Mr. Bardill, by request, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Claims.

A BILL

For an Act for the relief of Albert W. Leidel.

WHEREAS, Albert W. Leidel, while on duty as a keeper at the Southern Illi-
2 nois Penitentiary, in charge of a gang of prisoners and employed by the State
3 of Illinois, received severe personal injuries as the result of a caving in of some
4 dirt in a rock quarry, on the 20th day of February, A. D. 1905, the injuries
5 being permanent and totally disabling and received while in the line of duty
6 as an employe of the State, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* That the Auditor of Public Accounts be, and he is
3 hereby directed to draw his warrant on the State treasury, in favor of the
4 said Albert W. Leidel for the sum of twenty thousand dollars (\$20,000) on
5 the first day of July, A. D. 1909, the said sum to be paid out of any moneys
6 in the State treasury not otherwise appropriated.

AMENDMENT TO

46th Assem.

HOUSE—No. 432

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 432 by striking out the figures “\$20,000.00” in section 1, line 5, and inserting therefor the figures “\$3,000.00.”

-
- 1 Introduced by Mr. Burgett, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Live Stock and
Dairying:

A BILL

For an Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Governor shall, with the advice and con-
3 sent of the Senate, appoint three practical live stock men, not more than two
4 of whom shall be of the same political party, who shall constitute a Board
5 of Live Stock Commissioners, who shall hold their office in the order in which
6 they are named; the first for one year, the second for two years and the third
7 for three years, and their successors in office shall be appointed for three
8 years each. Before entering on the duties of their office they shall each take
9 and subscribe to an oath of office for the faithful performance of their duties
10 as such commissioners, and shall file the same with the Governor. The said
11 Board of Live Stock Commissioners may adopt an official seal, and may

12 authenticate all their official acts with the same and the signature of such mem-
13 ber or officer of the board as it may by resolution direct.

14 The Governor shall appoint a competent veterinary surgeon, who shall be
15 known as the State Veterinarian, who, together with his assistants shall act
16 under the direction of said Board of Live Stock Commissioners in carrying
17 out the provisions of this Act. The said State Veterinarian may, by and with
18 the advice and consent of said board, appoint such assistant State veterina-
19 rians as may be necessary, who shall receive pay only for the time actually
20 employed under the direction and by the order of the State Veterinarian or
21 the Board of Live Stock Commissioners.

Sec. 2. It shall be the duty of said Board of Live Stock Commissioners
2 to cause to be investigated any and all cases, or alleged cases, coming to their
3 knowledge, of communicable diseases among domestic animals, within this
4 State, and to use all proper means to prevent the spread of such diseases, and
5 to provide for the extirpation thereof; and in the event of reasonable ground
6 for the belief that any such communicable disease exists in this State, it shall
7 be the duty of the person owning or having in charge any animal or animals
8 infected with such disease, or any other person having knowledge or reason to
9 suspect the existence of such disease, to immediately notify said Board of Live
10 Stock Commissioners, or some member thereof, by communication to said board
11 or member, of the existence of such disease, and thereupon it shall be the duty
12 of said board, or some member thereof, or authorized agent of the board, im-
13 mediately to cause proper examination thereof to be made, and if such disease
14 shall be found to be a dangerously contagious or dangerously infectious mal-
15 ady, said board, or any member thereof, or the State Veterinarian, or any
16 assistant State veterinarian, shall order such diseased animals, and such as
17 have been exposed to contagion, and the premises in or on which they are, or
18 which may have been recently occupied by them, to be strictly quarantined;

19 and they shall have power to order any premises and farms where the disease
20 exists, or has recently existed, as well as exposed premises and farms, to be
21 put in quarantine so that no domestic animal which has been or is so dis-
22 eased, or has been exposed to such communicable disease, be removed from the
23 premises so quarantined, nor allow any animal susceptible to such disease to
24 be brought therein or thereon, except under such rules and regulations as said
25 Board of Live Stock Commissioners may prescribe, which quarantine, and
26 every quarantine established under the provisions of this Act, shall remain in
27 force and effect until removed by order of said board; and said board shall
28 prescribe such regulations as they may deem necessary to prevent any such
29 disease from being communicated from any such diseased animal or exposed
30 animal or from the infected premises or through any other means of communi-
31 cation. In all such cases the said Board of Live Stock Commissioners, or in
32 case the number of animals shall not exceed five, any member thereof, shall
33 have power to order the slaughter of any or all of such diseased or exposed
34 animals. The said board shall also have power to cause to be destroyed all
35 barns, stables, premises, fixtures, furniture and personal property infected with
36 any such communicable disease, so far as in their judgment may be necessary
37 to prevent the spread of such disease and where the same cannot be properly
38 disinfected; and to order the disinfection of all cars, boats or other vehicles
39 used in transporting animals affected with any such communicable disease, or
40 that have been exposed to the contagion thereof, and the disinfection of all
41 yards, pens and chutes that may have been used in handling such diseased or
42 exposed animals.

43 When the said board, upon the written report of the State Veterinarian,
44 or any of his assistants, determines that any animal is affected with, or has
45 been exposed to, any dangerously contagious or infectious disease, the board,
46 or any member thereof, or any of its duly authorized agents, may agree with
47 the owner upon the value of such animal or of any property that it may be

48 found necessary to destroy, and in case such agreement cannot be made, said
49 board, or the member acting in behalf of the board, may appoint three disin-
50 terested citizens of the State to appraise such animals or property. Such ap-
51 praisers shall subscribe to an oath in writing to fairly value such animals or
52 property in accordance with the requirements of this Act, which oath, together
53 with the valuation fixed by such appraisers, shall be filed with the board and
54 be preserved by them. Upon such appraisalment being made, it shall become
55 the duty of the owner to immediately destroy such animals and to dispose of
56 the carcasses thereof, and to disinfect the premises occupied by such animals
57 in accordance with the rules prescribed by said board governing such destruc-
58 tion and disinfection. And upon his failure so to do, said board, or any mem-
59 ber thereof, shall cause such animal or animals or property to be destroyed
60 and disposed of, and thereupon such owner shall forfeit all right to receive
61 any compensation for the destruction of such animal or animals or property.

62 When the board, upon the written opinion of the State Veterinarian, or
63 any assistant State veterinarian, determines that any barns, stables, outbuild-
64 ings or premises are so infected that the same cannot be disinfected, they may
65 quarantine such barns, stables, outbuildings or premises from use for the
66 animals that might be infected by such use, and such quarantine shall con-
67 tinue in force and effect until removed by the board, and a violation of such
68 quarantine shall be punished in the same manner as is provided for violations
69 of other quarantine by this Act.

70 Any person feeling himself aggrieved by any quarantine established
71 under the provisions of this Act may appeal to the full Board of Live Stock
72 Commissioners, who shall thereupon sustain, modify or annul such quarantine,
73 as they may deem proper.

74 Whenever quarantine is established in accordance with the provisions of
75 this Act, valid notice of the same may be given by leaving with the owner or
76 occupant of any premises so quarantined, in person, or by delivering to any

77 member of his family, or any employe, over the age of ten years found upon
78 the premises so quarantined, notice thereof, written or printed, or partly writ-
79 ten or printed, and at the same time explaining the contents thereof. Such
80 quarantine shall be sufficiently proven in any court by the production of a true
81 copy of such notice of quarantine with a return thereon of the service of the
82 same in the manner above required, attested by the seal of the Board of Live
83 Stock Commissioners, with the signature of the proper officer thereof.

Sec. 3. Whenever said Board of Live Stock Commissioners shall become
2 satisfied that any communicable disease exists among domestic animals in any
3 municipality or geographical district in this State, and in their judgment it
4 is necessary to quarantine such municipality or geographical district in order
5 to prevent the spread of such disease into contiguous territory, they shall re-
6 port the same to the Governor, who may thereupon, by proclamation, schedule
7 and quarantine such municipality or geographical district, prohibiting all do-
8 mestic animals of the kind diseased within such municipality or geographical
9 district from being moved from one premises to another or over any public
10 highway or any unfenced lot or piece of ground, or from being brought into,
11 or taken from, such infected municipality or geographical district, except
12 upon obtaining a special permit, signed by the Board of Live Stock Commis-
13 sioners, or member thereof, or the agent or officer of the board duly author-
14 ized by it to issue such permits; and such proclamation shall from the time
15 of its publication bind all persons. After the publication of the aforesaid
16 proclamation, it shall be the duty of every person who owns, or who is in
17 charge of animals of the kind diseased within such municipality or geograph-
18 ical district, to report to said board within one week thereafter the number and
19 description of such animals, location, and the name and address of the owner
20 or person in charge, and during the continuance of such quarantine to report
21 to said Board all cases of sickness, deaths or births among such animals. It

22 shall also be the duty of all persons within such municipality or geographical
23 district so quarantined, receiving, having or purchasing domestic animals of
24 the kind diseased, for slaughter, to delay the killing of such animals until a
25 veterinary surgeon, with authority from said board, is present to make a post-
26 mortem examination of the carcass. Any violation of the aforesaid quarantine
27 regulations and prescribed duties shall be visited with like penalties, which
28 may be recovered in like manner, as provided in section 6 of this Act: *Pro-*
29 *vided*, that nothing contained in this section shall be so construed as to prevent
30 the movement of any animal or animals of the kind diseased through such quar-
31 antined territory under such regulations as the Board of Live Stock Commis-
32 sioners may prescribe and the Governor approve: *And, provided, further,*
33 that no animals of the kind diseased within such municipality or geographical
34 district, slaughtered by order of said board, shall be taken from such munici-
35 pality or geographical district for slaughter.

Sec. 4. Whenever said Board of Live Stock Commissioners shall report
2 to the Governor that any communicable disease exists in any other state, terri-
3 tory, district, province or country, or in any portion thereof, or in any locality
4 therein, or that the condition of any domestic animals coming therefrom into
5 this State is such as would render them liable to convey any such disease, he
6 may, by proclamation, schedule such state, territory, district, province or
7 country, or any portion thereof, or any locality therein, and prohibit the im-
8 portation or bringing therefrom into this State of any live stock of the kind
9 diseased, or of any live stock that has been exposed to such disease, or whose
10 condition would render them liable to convey such disease to other animals,
11 or of any carcasses or portions of carcasses, or of any hay, straw, fodder or
12 other material capable of conveying infection, except under such regulations as
13 may be prescribed by said board and approved by the Governor. Any per-
14 son, firm, joint stock company or corporation that shall knowingly transport,

15 receive or convey such prohibited stock from the scheduled district into the
16 State of Illinois in violation of any such regulation, or which shall so trans-
17 port any carcasses, or portions of carcasses, or any hay, straw, fodder or other
18 material capable of conveying infection, which may be prohibited by any rule
19 or regulation of the Board of Live Stock Commissioners, shall be deemed
20 guilty of a misdemeanor, and upon conviction thereof shall be fined not less
21 than \$1,000 nor more than \$10,000 for each and every offense, and shall be
22 liable for any and all damages or loss that may be sustained by any person
23 or persons or corporation by reason of such importation or transportation of
24 such prohibited stock, or prohibited materials above mentioned. Such penalty
25 shall be recovered in any county in this State into or through which such stock
26 or material is brought, in any court of competent jurisdiction.

Sec. 5. Nothing contained in this Act, or any section thereof, shall be in-
2 terpreted so as to prevent the movement or shipment of diseased or exposed
3 animals under the orders of the board created by this Act, from one place
4 to another by said board or its agents, by driving along the public highway or
5 shipment on cars or steamboats, when, in the opinion of said board, such re-
6 moval is necessary for the suppression of any communicable disease.

Sec. 6. Any person who, knowing that any communicable disease exists
2 among his domestic animals, shall conceal such fact, or knowing of the exist-
3 ence of such disease, shall sell any animal or animals so diseased, or any ex-
4 posed animal, or knowing the same, shall remove any such diseased or exposed
5 animal from his premises to the premises of another, or knowing of the exist-
6 ence of such disease, or exposure thereto, shall drive or lead, or ship any
7 animal so diseased or exposed, by any car or steamboat, to any place in or out
8 of this State; and any person or persons who shall bring any such diseased
9 or knowingly, shall bring any such exposed animal or animals into this State
10 from another state; and any person or persons who shall knowingly buy, re-

11 ceive, sell, convey, or engage in the traffic of such diseased or exposed stock,
12 and any person who shall violate any quarantine regulation established under
13 the provisions of this Act, shall, for each, either, any or all Acts above men-
14 tioned in this section, be guilty of a misdemeanor, and, on conviction thereof,
15 or of any one of said Acts, shall be fined in any sum not less than \$25 nor
16 more than \$200, and be imprisoned in the county jail until the fine and costs
17 are paid, and shall forfeit all right to any compensation for any animal or
18 property destroyed under the provisions of this Act.

19 Any veterinary practitioner having information of the existence of any
20 communicable disease among domestic animals of this State, who shall fail to
21 promptly report such knowledge to said Board of Live Stock Commissioners.
22 shall be fined not exceeding \$500, or be imprisoned in the county jail not more
23 than one year for each offense.

Sec. 7. All fines recovered under the provisions of this Act shall be paid
2 into the county treasury of the county in which the suit is tried, by the person
3 collecting the same, in the manner now provided by law, to be used for county
4 purposes; and it shall be the duty of State's attorneys in their respective
5 counties to prosecute for all violations of this Act.

Sec. 8. All claims against the State arising from the slaughter of animals
2 as herein provided for, shall be made to said Board of Live Stock Commission-
3 ers, under such rules and regulations as they may prescribe, and it shall be the
4 duty of said board to determine the amount which shall be paid in each case
5 on account of animals so slaughtered, which, unless otherwise provided by law,
6 in cases of animals of the bovine species shall be based on the fair cash value
7 thereof, if in health, for beef, or for dairy purposes, which valuation shall not
8 exceed \$75.00 per head; and in cases of animals of the equine species, shall be
9 based on their fair cash market value, if in health, which valuation shall not

10 exceed \$100 per head, and report the same to the Governor; and the Governor
 11 shall endorse thereon his order to the Auditor of Public Accounts, who shall
 12 thereupon issue his warrant on the State Treasurer for the same.

Sec. 9. Said Board of Live Stock Commissioners, and each member there-
 2 of, and the State Veterinarian, and his assistants, in the performance of their
 3 duties under this Act, shall have power to call on sheriffs and their deputies,
 4 constables and police officers, mayors of cities, city and town marshals and
 5 policemen, to assist them in carrying out its provisions; and it is hereby made
 6 the duty of all such officers to assist in carrying out the provisions of this Act
 7 when ordered so to do; and said commissioners, and the State Veterinarian
 8 and his assistants shall have, while engaged in carrying out the provisions of
 9 this Act, the same powers and protection that other peace officers have, and
 10 any such officer who fails or refuses to enforce the lawful orders and quaran-
 11 tine of said board, or any member thereof, or any veterinarian acting under
 12 them, in the proper execution of the powers conferred by this Act, shall be
 13 guilty of a misdemeanor and be punished as provided in section six of this Act.

Sec. 10. The said Board of Live Stock Commissioners shall co-operate
 2 with any commissioner or other officer appointed by the United States authori-
 3 ties for the suppression of contagious and infectious diseases among domestic
 4 animals, so far as the provisions of this Act and the appropriations made in
 5 accordance therewith, will allow, in suppressing and preventing the spread of
 6 contagious and infectious diseases among domestic animals in this State.

Sec. 11. It shall be the duty of said Board of Live Stock Commissioners
 2 to keep a record of all their Acts and proceedings, and report the same to the
 3 Governor annually, or oftener, if required, for publication. The annual re-
 4 port shall include an itemized statement of all moneys expended by them

5 under this Act, including a statement of all damages recommended by them to
6 be paid for animals slaughtered, and the amounts paid therefor.

Sec. 12. The members of said board shall receive the sum of \$10.00 per
2 day for each day necessarily employed in the discharge of their duties, their
3 necessary traveling expenses and other incidental expenses necessarily incur-
4 red in the performance of their duties under this Act, to be paid on certified
5 and itemized vouchers to be approved by the Governor.

6 The State Veterinarian shall receive the sum of \$10.00 per day for his
7 services under the provisions of this Act, together with his necessary travel-
8 ing and incidental expenses, to be certified to by the Board of Live Stock Com-
9 missioners and approved by the Governor.

10 Assistant State veterinarians shall receive for their services the sum of
11 \$8.00 per day for each day actually employed under the direction and by order
12 of the State Veterinarian or the Board of Live Stock Commissioners, together
13 with their necessary traveling and incidental expenses, to be certified to by the
14 Board of Live Stock Commissioners and approved by the Governor.

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- 1 Introduced by Mr. Bush, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 17 of an Act entitled, "An Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879; as amended by an Act approved June 11, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 17 of an Act entitled, "An Act con-
3 cerning circuit courts and to fix the time for holding the same in the several
4 counties in the judicial circuits of the State of Illinois, exclusive of the county
5 of Cook," approved May 24, 1879, in force July 1, 1879; as amended by an
6 Act approved June 11, 1897, in force July 1, 1897, be and the same is hereby
7 amended to read as follows:

8 Sec. 17. Sixteenth Circuit—In the county of Kane, on the first Monday
9 of February, on the third Monday of May, on the second Monday of Septem-
10 ber and on the third Monday of November; in the county of DuPage, *on the*
11 *second Monday of January, on the second Monday of June* and on the first
12 Monday of October; in the county of Kendall, on the first Monday of April
13 and on the fourth Monday of October; in the county of DeKalb, on the fourth
14 Monday of February, on the first Monday of June and on the fourth Monday
15 of October.

-
- 1 Introduced by Mr. Chipperfield, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Soldiers' and Sailor's Home and Soldiers' Orphans' Home.

A BILL

For an Act to provide for certain exemptions from taxation of honorably discharged soldiers and sailors of the Mexican and Civil wars, and in event of death of such soldier or sailor, to the widow remaining unmarried of such soldier or sailor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Property not to exceed eight hundred dollars in
3 actual value, of any honorably discharged union soldier or sailor of the Mexi-
4 can War or of the War of the Rebellion, or of the widow remaining unmarried of
5 such soldier or sailor. It shall be the duty of every assessor annually to make
6 a list of all such soldiers, sailors and widows, and to return such list to the
7 county treasurer upon forms to be furnished by such treasurer for that pur-
8 pose; but the failure on the part of any assessor so to do shall not effect the

9 validity of any exemption. All soldiers, sailors, or widows thereof referred
10 to herein shall receive a reduction of eight hundred dollars at the time said
11 assessment is made by the assessor unless waiver thereof is voluntarily made
12 of said exemption at said time; but this exemption shall not apply in the case
13 of any soldier or sailor or the widow of such soldier or sailor, owning prop-
14 erty of the actual value of five thousand dollars (\$5,000.00), or where the wife
15 of such soldier or sailor owns property to the actual value of five thousand dol-
16 lars (\$5,000.00).

- 1 Introduced by Mr. Chipperfield, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to regulate the manufacture and use of paint containing white lead,
and providing a penalty for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* All individuals, companies or corporations, lessees
3 or other persons engaged in or conducting a business for grinding, measuring,
4 mixing, painting and other manipulation of white lead and other lead colors
5 or their compounds, are hereby required, on the first day of July, nineteen
6 hundred and nine (1909), to adopt, put in use and maintain suitable means to
7 prevent the workmen from coming in direct contact with the material contain-
8 ing lead, and to protect them against the injurious effects which it produces.

Sec. 2. Scraping with knife, with pumice, or the spatula of dry coats of
2 oil colors which are not absolutely free from lead must not be done except after
3 preliminary moistening.

Sec. 3. All companies, firms, lessees, corporations, person or persons engaged in, or conducting a business for grinding, measuring, mixing, painting and other manipulation of white lead and other lead colors or their compounds, are hereby required, on the first day of July, nineteen hundred and nine (1909), to provide a place for the workmen for washing and clothing themselves, which place must be kept clean, be heated during cold weather and installed in such a manner that clothing can be hung up therein; and all workmen coming in contact with white lead, lead colors or their compounds, are to be provided by the employer with blouses or other vestment completely covering them, and with head dresses to be worn during their work. Wash basins, brushes for their hands and nails, soap and hand towels must be placed at the disposal of all the workmen.

Sec. 4. Any person or persons, lessee or lessees, firm, company or corporation who shall knowingly violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred (200) dollars, nor more than five hundred (500) dollars for each offense, or by imprisonment in the county jail for a period of not less than sixty (60) days, nor more than six (6) months, or by both such fine and imprisonment, proceedings to be instituted in any court having competent jurisdiction.

This law shall apply to painters, manufacturers, dealers, both wholesale and retail, and all persons, firms or corporations engaged in handling white lead or its compounds or other lead products.

- 1 Introduced by Mr. DeWolf, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act in relation to unclaimed deposits in banking institutions.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the county court, circuit court or other court
3 of record respectively, shall, upon the application of a person interested, the
4 State's attorney or the Attorney General and after public notice, order a decree
5 that all amounts of money heretofore or hereafter deposited with any bank-
6 ing firm, company, corporation, association, or any other banker and which
7 shall have remained unclaimed for more than five years from the date of such
8 deposit and the original depositor has departed to a place unknown, or is
9 dead without leaving heirs, that the increase and proceeds thereof shall be
10 paid to the county treasurer of the county in which said banking institution is
11 located, to be held and used by him according to law, subject for fifteen years

12 only, to be repaid to the person having and establishing a lawful right hereto,
13 with interest at the rate of three per cent per annum from the time it is so
14 paid to said treasurer to the time it is paid over by him to such person, for
15 fifteen years as aforesaid, the said deposit shall hereafter be the property of
16 the county in which said banking institution is located.

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- 1 Introduced by Mr. English, March 31, 1909
 - 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to define prohibition territory and prohibit and punish the keeping for sale of intoxicating liquor therein and to provide for searching for, seizing and destroying intoxicating liquor so kept.

- SECTION 1. *Be it enacted by the People of the State of Illinois,*
- 2 *represented in the General Assembly:* The words and phrases mentioned in
- 3 this section, as used in this Act, and in proceedings pursuant hereto, shall, un-
- 4 less the same be inconsistent with the context, be construed as follows:
- 5 "Prohibition territory" shall mean a territory or district in which by,
- 6 under or through any statute or statutes of this State, the sale of intoxicating
- 7 liquor or the licensing of such sale, is prohibited, with or without exception or
- 8 limitation.
- 9 "Intoxicating liquor" shall include all distilled, spirituous, vinous, fer-
- 10 mented and malt liquors.
- 11 "Judge" shall mean the phrase "judge or justice of the peace."

Sec. 2. Whoever shall, by himself or another, either as principal, clerk or
2 servant, within prohibition territory, keep any intoxicating liquor for sale, bar-
3 ter or exchange contrary to or in violation of any statute or statutes in force in
4 said territory regulating or prohibiting the sale of intoxicating liquor, shall be
5 fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars
6 (\$100.00) or imprisoned in the county jail for not less than ten (10) days nor
7 more than thirty (30) days, or both, in the discretion of the court. If any per-
8 son shall be convicted of violating any provision of this section and shall sub-
9 sequently violate any provision of this section he shall, upon conviction there-
10 of, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred
11 Dollars (\$200.00) and imprisoned in the county jail for not less than ten (10)
12 days nor more than thirty (30) days. And in like manner, if he shall subse-
13 quently violate any provision of this section, for such third and each subsequent
14 violation he shall, upon conviction thereof, be fined not less than One Hundred
15 Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) and impris-
16 oned in the county jail for not less than thirty (30) days nor more than ninety
17 (90) days.

Sec. 3. All intoxicating liquor kept for sale, barter or exchange in viola-
2 tion of the provisions of the preceding section, shall be subject to seizure, con-
3 demnation and destruction in the manner hereinafter provided, and all places
4 where the same shall be so kept shall be taken and held and are declared to be
5 common nuisance and may be abated as such.

Sec. 4. When complaint is made in writing, verified by affidavit, to any
2 judge having cognizance of criminal offenses within any prohibition territory that
3 complainant has reason to believe and does believe that intoxicating liquor is

4 kept for sale, barter or exchange in violation of the provisions of Section two
5 (2) of this Act, in any house, place, premises, vehicle or receptacle (particularly
6 describing and designating such house, place, premises, vehicle or receptacle), sit-
7 uated or being in such territory, with the facts upon which such belief is based,
8 such judge, if he is satisfied that there is reasonable cause for such belief, shall
9 issue a warrant, directed to any officer whom the complainant may designate
10 having power to serve criminal process within said territory, commanding him
11 to search in the daytime the house, place, premises, vehicle or receptacle therein
12 described and designated (which shall be particularly described and designated
13 in said warrant as in the said complaint) for intoxicating liquor, and if any
14 such intoxicating liquor is there found, to seize the same, with the vessels con-
15 taining the same and all implements and furniture used or kept for the purposes
16 of the sale, barter or exchange of such intoxicating liquor, and bring the same
17 and the person (if any there be) in whose possession they are found, to the
18 judge who issued the warrant, or to some other judge having cognizance of the
19 matter, with his return upon the said warrant: *Provided*, That no warrant
20 shall be issued to search a private dwelling house, unless the same or some part
21 thereof or some room or premises immediately connected therewith is used as a
22 place of public resort.

Sec. 5. Such warrant may be substantially in the following form:

2 "State of Illinois, County—ss.

3 The People of the State of Illinois.

4 To (Here insert name and official title of officer) Greeting:

5 Whereas complaint has been this day made in writing upon oath before
6 me (Here insert official title and jurisdiction of the judge) by
7 of which the following is a copy:

8 (Here insert a copy of the complaint.)

9 And I being satisfied that there is reasonable cause for such belief of said
10 complainant as set forth in said complaint,

11 These are therefore to command you in the name of the People of the
12 State of Illinois, together with the necessary and proper assistance, in the day-
13 time to forthwith diligently search (Here describe the house, place, premises, ve-
14 hicle or receptacle as in the complaint) in the county aforesaid, for intoxicating
15 liquor and seize and bring any and all intoxicating liquor there found and all
16 vessels containing the same, and all implements and furniture used or kept for
17 the purpose of the sale, barter or exchange of intoxicating liquor there found,
18 and any and all persons (if any therebe) in whose possession they are found,
19 forthwith before me at my office in
20 or before some other judge or justice of the peace having cognizance of the
21 matter, to be disposed of and dealt with according to law.

22 Given under my hand and seal at my said office this.....day
23 of, A. D.

.....[SEAL]”

Sec. 6. Upon the return of such warrant the officer serving the same shall
2 also forthwith make and file in the proper court or before the proper judge a
3 sworn complaint charging such violation of the provisions of Section two (2)
4 of this Act by any person to be designated therein as may appear to have been
5 committed by such person, but nothing herein contained shall prevent any per-
6 son from filing such complaint before or after the search warrant is issued,
7 and all intoxicating liquor, vessels, implements and furniture seized may be used
8 as evidence upon any trial and shall be kept under the direction of the judge
9 as long as they may be needed for that purpose. As soon as possible after-

wards, if it shall appear that said intoxicating liquor was kept in violation of the provisions of Section two (2) of this Act, the same, with the vessels, implements and furniture seized and taken therewith shall be destroyed under the direction of the judge; otherwise the same shall be returned to the lawful owner thereof. If it shall appear that there was no probable cause for swearing out the search warrant, the costs may be taxed against the complainant and execution awarded therefor.

Sec. 7. For the purpose of executing such warrant the officer may break open any outer or inner door or window of a dwelling house, or of any building, or anything therein, if after notice of his authority and purpose, he is refused admittance, using no more force than is necessary.

Sec. 8. When intoxicating liquor is seized as hereinbefore provided for, the officer who made such seizure shall in his return upon the warrant particularly specify the intoxicating liquor and other property taken, and the place where and the person from whom the same was taken, and shall hold the same subject to the disposition of the judge.

Sec. 9. If fluids upon any premises for the search of which a warrant has been issued be poured out or otherwise destroyed when the premises are searched or are about to be searched, manifestly for the purpose of preventing their seizure by any officer authorized to make such search and seizure, such destruction shall be *prima facie* evidence that such fluids were intoxicating liquor and were then kept in violation of the provisions of Section two (2) of this Act.

Sec. 10. The keeping of intoxicating liquor in any house, place, premises or vehicle within prohibition territory shall be *prima facie* evidence that such

3 liquor is kept for sale, but this provision shall not apply to a licensed physician,
4 or to a private dwelling house unless the same or some part thereof or some
5 room or premises immediately connected therewith is used as a place of public
6 resort.

Sec. 11. A notice or sign of any kind, on or about any house, place or
2 premises within prohibition territory, indicating that intoxicating liquor is there
3 sold or kept for sale shall be *prima facie* evidence that the person displaying or
4 named in such notice or sign during all the time such notice or sign shall have
5 been displayed, kept intoxicating liquor for sale in such house, place or premises.

Sec. 12. No intoxicating liquor or other property seized by virtue of any
2 such warrant, shall be discharged or returned to any person claiming the same,
3 by reason of any alleged insufficiency of the description of the liquor or place in
4 the complaint or warrant, but any claimant shall be entitled to have his right of
5 property in such liquor and other property tried by the judge before whom the
6 search warrant may have been returned.

Sec. 13. If no one is found in possession of the building or premises where
2 such intoxicating liquor is seized, the officer taking the same shall post in a
3 conspicuous place on such building or premises a copy of his warrant. Where-
4 upon it shall be the duty of the judge to fix a time not less than five days nor
5 more than fifteen days thereafter for hearing and determining the purpose for
5 which such liquor was kept and to issue notice thereof to the officer, who shall
6 post a copy of the same on the building or premises where the intoxicating
7 liquor was found. If at the time fixed for said hearing, or within thirty days
8 thereafter, no person appears and claims such intoxicating liquor or other prop-
9 erty the judge shall order the same destroyed.

Sec. 14. The person upon whose complaint any search warrant is issued
2 under this Act may personally or by a representative designated by him, ac-
3 company the officer who serves such warrant and assist such officer in executing
4 the same.

Sec. 15. No intoxicating liquor or other property seized as hereinbefore
2 provided shall be taken from the custody of the officer by a writ of replevin or
3 other process while any proceedings in this Act provided for are pending; and
4 final judgment ordering the destruction of such intoxicating liquor or property
5 so seized shall be a bar to all suits for the recovery of the same, or the value
6 thereof, or for damages alleged to arise by reason of the seizing or detention
7 thereof.

Sec. 16. It shall be unlawful for any druggist who has been convicted of
2 violating any provision of this Act, to keep intoxicating liquor for sale in pro-
3 hibition territory for any purpose for two years after such conviction, and upon
4 a second and each subsequent conviction it shall be unlawful for him to keep
5 intoxicating liquor for sale in prohibition territory for any purpose for five
6 years after such conviction; and if such druggist be a registered pharmacist his
7 certificate to practice pharmacy shall be forthwith revoked and the judge before
8 whom such druggist shall be convicted shall so order and forthwith cause a
9 copy of such order to be sent to the Secretary of the State Board of Pharmacy,
10 upon receipt whereof such certificate shall forthwith be revoked by such Board.
11 A certified transcript of the judgment of any conviction shall be sufficient evi-
12 dence of such conviction. If such druggist having been so convicted a second
13 or subsequent time shall thereafter keep for sale in prohibition territory intoxi-
14 cating liquor for any purpose within five years after such conviction he shall be

15 fined for the first offense not less than Two Hundred and Fifty Dollars
16 (\$250.00) and not more than Five Hundred Dollars (\$500.00), and for any sub-
17 sequent offense not less than Five Hundred Dollars (\$500.00) and not more than
18 One Thousand Dollars (\$1,000.00)

Sec. 17. In all prosecutions under Section two (2) or under the preceding
2 section of this Act, by indictment or otherwise, it shall not be necessary to state
3 the kind of intoxicating liquor kept for sale, barter or exchange, nor to describe
4 the place where the same shall be kept; nor to show the knowledge of the
5 principal to convict for the acts of an agent, clerk or servant; nor shall it be
6 necessary in any indictment, information, complaint or warrant to set forth the
7 facts showing that the house, place, premises or vehicle in which the intoxicating
8 liquor is or was kept is within prohibition territory, but it shall be sufficient
9 to state in that regard that the same is, or was at the time charged, in prohi-
10 bition territory.

Sec. 18. When any prosecution is commenced for a violation of the pro-
2 visions of Section two (2) of this Act and intoxicating liquor seized under the
3 provisions of this Act is to be used as evidence at the trial, such trial shall take
4 place as speedily as possible and shall take precedence of other causes pending
5 before the judge hearing the same.

1 Introduced by Mr. Erby, March 31, 1909.

2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act relative to unclaimed deposits in banks and banking associations, and
the disposition thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Whenever any depositor in any bank or banking
3 institution organized under the law of this State, who has heretofore or shall
4 hereafter open an account with any such bank, shall not have made a deposit
5 on said account or withdrawn any part thereof or the interest thereon or pre-
6 sented his pass-book for credit of interest, and shall not have made any claim
7 upon said bank for said deposit for more than thirty (30) years after the date
8 of the last deposit made, withdrawal of any part of principal or interest, or
9 credit of interest upon the pass-book, and when said depositor cannot be found
10 and no claimant is known, it shall be presumed that all of such depositors are

11 dead; and in such event it shall be the duty of the Attorney General to file a
12 petition in the county or probate court of each county, as the case may be,
13 in this State, containing a list of all accounts in banks or banking institutions
14 within the county in which such petition is filed, upon which accounts no de-
15 posit has been made or withdrawal of any part thereof or the interest thereon
16 or upon which the pass-books have not been presented for credit of interest,
17 and which deposits have remained unclaimed for more than thirty (30) years,
18 and for which deposits no claimant is known or the depositors cannot be found,
19 and praying the court that such depositors may be found and decreed by the
20 court to be dead, and that such deposits, with the increase and proceeds there-
21 of, be paid to the county treasurer, to be held by him according to law. Upon
22 the filing of such petition summons shall be issued by the clerk of the court to
23 all banks or banking institutions mentioned in said petition, and thirty (30)
24 days' notice shall be given, in accordance with law, to all whom it may con-
25 cern, by publication in some newspaper published in the county in which such
26 petition is filed. Upon the hearing of said petition, the court shall find and
27 decree that all such depositors in such banks or banking institutions as are
28 mentioned in said petition as have not made a deposit on their account or
29 withdrawn any part thereof or the interest thereon or presented their pass-
30 books for credit of interest and have not claimed said deposits for more than
31 thirty (30) years after the date of the last deposit made, withdrawal of any
32 part of principal or interest or credit of interest on the pass-books, and who
33 cannot be found, are dead; and the court shall thereupon order and decree that
34 the amount of all such deposits, with the increase and proceeds thereof, shall
35 be by said banks or banking institutions forthwith paid to the county treas-
36 urer, to be held by him according to law.

Sec. 2. Any person claiming a right to any moneys so deposited with the
2 county treasurer under the provisions of the preceding section of this Act,

3 either in his own right or as heir, administrator or executor of any deceased
4 person, may file his petition in the county or probate court of the proper
5 county, setting forth the facts under which he claims to be entitled to said
6 moneys, and if upon the hearing of said petition the said court shall be satis-
7 fied that any such claimant is entitled to said funds, the said court shall so
8 order and decree; and upon presentation of a certified copy of the order or
9 decree of the court it shall be the duty of the county treasurer to pay to such
10 claimant the amount to which he shall be entitled by order of court.

Sec. 3. It shall be the duty of the Auditor to examine into the condition
2 of the deposit accounts of all banks or banking associations of this State and
3 report to the Attorney General, annually, a list of all deposits coming within
4 the provisions of section 1 of this Act.

AMENDMENT TO

46th Assem.

HOUSE—No. 439

May 1909

AMENDMENT NO. 1.

Amend by striking out, in lines 7, 17, 23 and 31, in section 1, the word “thirty” and figures “(30)” and inserting in lieu thereof the word “fifteen” and figures “(15).”

- 1 Introduced by Mr. Etherton, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act in relation to corporations furnishing electricity for purposes of light, heat, fuel or power, in cities having a population of one hundred thousand inhabitants or over.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any corporation furnishing electricity for purposes of light, heat, fuel or power, in cities of this State having a population of one hundred thousand inhabitants or over, to charge, demand, collect or receive from any consumer of such electricity, a sum in excess of seven cents per hour per kilowatt of electricity so furnished.

Sec. 2. It shall be unlawful for any corporation furnishing electricity for purposes of light, heat, fuel or power, in cities of this State having a population of one hundred thousand inhabitants or over, to use, adopt or employ any

4 meter, apparatus or device for measuring the electricity furnished or to be
5 furnished to any consumer thereof, or for ascertaining the amount thereof, or
6 the amount to be charged to any consumer for electricity furnished or to be
7 furnished, which shall not plainly and correctly indicate the number of kilo-
8 watts of electricity at any given time furnished to such consumer, in such man-
9 ner that such consumer can at any time readily and easily ascertain such num-
10 ber.

Sec. 3. Any corporation, company or individual violating any of the pro-
2 visions of this Act, shall be liable to a fine or penalty of not less than fifty
3 dollars (\$50) nor more than five hundred dollars (\$500), for each offense, to
4 be recovered in an action of debt before any court of competent jurisdiction
5 in the name of the People of the State of Illinois, for the use of the person or
6 persons aggrieved for any other person making the complaint.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Fahy, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend “An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns,” approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one, three, four, five, six, seven, eight, ten,
3 and twelve of “An Act to provide for the setting apart, formation and dis-
4 bursement of a police pension fund in cities, villages and incorporated towns,”
5 approved April 29, 1887, in force July 1, 1887, as amended by an Act approved
6 April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11,

1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903, be amended so as to read as follows:

Sec. 1. That in each city, village or incorporated town in this State, having a population of 10,000 inhabitants or more, there shall be set apart the following moneys to constitute a police pension fund.

First—Three-fourths of all moneys received for taxes or for licenses upon dogs.

Second—Three per cent of all moneys received from licenses for the keeping of saloons and dram shops, including licenses to wholesale liquor dealers.

Third—All moneys paid for special detail of police officers.

Fourth—One per cent per month, which shall be paid or deducted from the pension fund of each and every police pensioner and pensioned police matron of such city, village or town.

Fifth—All moneys received from fines imposed upon members of the police department of such city, village or town, for violation of the rules and regulations of the police department.

Sixth—The proceeds of all sales of unclaimed, lost or stolen property.

Seventh—One-fourth of all moneys received from all licenses granted to pawnbrokers, second hand dealers and junk stores.

Eighth—All moneys as fees and for fines for carrying concealed weapons.

Ninth—One-half of all costs collected for violations of city ordinances.

Tenth—All rewards given or paid to members of such police force, except such as shall be excepted by the chief officer of police.

Eleventh—One per cent per month which shall be paid by or deducted from the salary of each and every member of the police department, and from the salary of each and every police matron, of such city, village or town: *Provided*, no such member or police matron shall be compelled to pay more than \$1.00 per month from his or her salary.

35 *Twelfth*—Three per cent of all revenue collected or received by such city,
36 village or incorporated town from all licenses issued by such city, village or
37 incorporated town, not mentioned in this bill: *Provided, however,* that the
38 sum so received from such three per cent shall in no case exceed the sum of
39 twenty-five thousand dollars per annum.

40 Sec. 3. Whenever any person at the time of the taking effect of said Act,
41 to which this is an amendment, or thereafter, shall be duly appointed and
42 sworn, and have served for the period of twenty years or more upon the regu-
43 larly constituted police force of such city, village or town of this State, subject
44 to the provisions of this Act or where the combined years of service of any per-
45 son upon the police force and the fire department, as aforesaid, of such city,
46 village or town of this State, shall aggregate twenty years or more, said board
47 shall order and direct that such person after becoming fifty years of age and
48 his services on such police force shall have ceased, and all officers entitled to
49 and having a pension under this Act, to which this is an amendment after the
50 taking effect of this Act, shall be paid from such fund a yearly pension equal to
51 one-half the amount of a salary attached to the rank which he may have held on
52 said police force for one year immediately prior to the time of such retirement;
53 and whenever any person at the time of the taking effect of said Act to which this
54 is an amendment, or thereafter, shall be duly appointed, and have served for the
55 period of twenty years or more as a police matron of said city, village or town of
56 this State, subject to the provisions of this Act, such board shall order and direct
57 that such person after becoming fifty years of age and her services as such police
58 matron shall have ceased, shall be paid from such fund a yearly pension equal to
59 one-half the amount of salary attached to the office of police matron which she
60 may have held, for one year immediately prior to the time of such retirement: *Pro-*
61 *vided, however,* the maximum of said pension shall not exceed the sum of \$900, and
62 the minimum not less than \$600. And after the decease of such member, his widow

63 or minor child or children under sixteen years of age, if any survive him, shall be
 64 entitled to the pension provided for in this Act, of such a deceased husband or
 65 father; but nothing in this or any other section of this Act shall warrant the
 66 payment of any annuity to any widow of a deceased member of said police
 67 department after she shall have remarried; and after the decease of such police
 68 matron, her minor child and children under sixteen years of age, if any sur-
 69 vive her, shall be entitled to the pension provided for in this Act, of such de-
 70 ceased mother.

71 *And, provided, further,* that all police officers retired after twenty years'
 72 service in the police department of such city, village or town, and who are above
 73 the age of fifty years now on the police pension rolls shall receive the same
 74 pension now allowed them: *Provided,* that in no case shall said pension exceed
 75 the sum of \$900.

76 Sec. 4. Whenever any person, while serving as policeman in any such city,
 77 village or town, shall become physically disabled while in and in consequence
 78 of the performance of his duty as such policeman, said board shall upon written
 79 request, or without such request, if it deemed it for the good of said police
 80 force, retire such person from active service and order and direct that he be
 81 paid from said fund a yearly pension not exceeding one-half the amount of the
 82 salary attached to the rank which he may have held on said police force at the
 83 time of his retirement; and whenever any person, while serving as a police
 84 matron, in any such city, village or town, shall become physically disabled
 85 while in, and in consequence of, the performance of her duty as such police
 86 matron, said board shall, upon her written request, or without such request, if
 87 if it deem it for the benefit of the object for which such police matron was ap-
 88 pointed, retire such person from active service and order and direct that she
 89 be paid from such fund a yearly pension not exceeding one-half the amount of
 90 salary attached to the office of police matron which she may have held as

91 such matron at the time of her retirement: *Provided*, that the maximum sum
92 of such pension shall not exceed the sum of \$900 per year, and the minimum
93 not less than \$600 per year: *Provided, further*, that whenever such disability
94 shall cease, such pension shall cease.

95 Sec. 5. No person shall be retired, as provided in the next preceding sec-
96 tion, or receive any benefit from said fund, unless there shall be filed with said
97 board certificates of his or her disability, which certificates shall be sub-
98 scribed and sworn to by said person and by the police surgeon (if there be
99 one) and two practicing physicians of such city, village or town, and such board
100 may require other evidence of disability before ordering such retirement and
101 payment as aforesaid.

102 Sec. 6. Whenever any member of the police force of such city, village or town
103 shall lose his life while in the performance of his duty, or receive injuries from
104 which he shall thereafter die, leaving a widow, or child or children under the
105 age of sixteen years, then upon satisfactory proof of such facts made to it,
106 such board shall order and direct that a yearly pension of one-half the salary
107 received by said member, not to exceed \$900 and the minimum not less than
108 \$600 per year, shall be paid to such widow during her life, or, if no widow,
109 then to such child or children until they shall be sixteen years of age: *Pro-*
110 *vided*, if such widow, child or children shall marry, then such person so marry-
111 *ing* shall thereafter receive no further pension from said fund: *And, pro-*
112 *vided, further*, that whenever any member of the police force of such city, vil-
113 lage or town has been retired after twenty years' service, or physically dis-
114 abled, shall then marry, such wife or child or children of such marriage shall,
115 after his death, receive no pension from said fund. Whenever any member
116 of a police force shall die after ten years' service therein and while still in
117 the service of such city, village or town as such policeman, leaving a widow or
118 child or children under the age of sixteen years, then, upon satisfactory proof

119 of such facts made to it, said board shall order and direct that a pension of
120 one-half the salary, not exceeding the sum of \$900, shall be paid to such widow,
121 or, if there be no widow, then to such child or children until they shall be
122 sixteen years of age, said pension to cease upon marriage as provided above.
123 Whenever any police matron of such city, village or town shall lose her life
124 while in the performance of her duty, or receive injuries from which she shall
125 thereafter die, leaving a child or children under the age of sixteen years, then,
126 upon satisfactory proof of such facts made to it, such board shall order and
127 direct that a yearly pension of one-half the salary received by said police ma-
128 tron, not to exceed \$900 and the minimum not less than \$600 per year, shall
129 be paid to such child or children until they shall be sixteen years of age.
130 Whenever any police matron of such city, village or town shall die after ten
131 years' service as such and while still in the service of such city, village or
132 town as such police matron, leaving a child or children under the age of six-
133 teen years, then, upon satisfactory proof of such facts made to it, said board
134 shall order and direct that a pension of one-half the salary, not exceeding the
135 sum of \$900, shall be paid to such child or children until they shall be sixteen
136 years of age.

137 Sec. 7. Any person retired for disability under this Act may be sum-
138 moned to appear before the board herein provided for, at any time thereafter,
139 and shall submit himself or herself thereto for examination as to his or her
140 fitness for duty and shall abide the decision and order of such board with ref-
141 erence thereto. And all members of the police force and all police matrons
142 who may be retired under the provisions of this Act, except those who volun-
143 tarily retire after such twenty years' service shall report to the chief of police
144 of the city, village or town where so retired, on the second Tuesday of each
145 and every month, and in cases of emergency may be assigned to and shall
146 perform such duty as said chief of police may direct, and such persons shall

147 have no claim against the city, village or town for payment for such duty so
148 performed.

149 Sec. 8. Whenever any person who shall have received any benefit from
150 said fund shall be convicted of any crime or misdemeanor, or shall become an
151 habitual drunkard, or shall become a non-resident of this State, or shall fail to
152 report himself or herself for examination for duty as required herein, unless
153 excused by the board, or shall disobey the requirements of said board under
154 this Act, in respect to said examination for duty, then such board shall order
155 that such pension allowance as may have been granted to such person shall
156 immediately cease and determine, and such person shall receive no further pen-
157 sion, allowance or benefit, under this Act.

158 Sec. 10. In addition to the other powers herein granted, the following
159 further powers and authority are hereby conferred upon said board:

160 *First*—The said board shall have exclusive control and management of the
161 fund mentioned herein, and of all moneys donated, paid or assessed for relief
162 or pensioning of disabled superannuated and retired members of the
163 police department, their widows and minor children, and for the relief of pen-
164 sioning of disabled, superannuated and retired police matrons and their minor
165 children; the same to be placed by the treasurer of such board to the credit
166 of such fund subject to the order of such board.

167 *Second*—All rewards, moneys, gifts, fees or emoluments that may be paid
168 or given for, or on account of extraordinary service by said police depart-
169 ment, or any member thereof, or any police matron, except when allowed to be
170 retained by said member or any police matron or given to endow a medal or
171 other competitive reward, shall be paid into the said pension fund. The said
172 board may take by gift, grant, devise or bequest, any money, real estate, per-
173 sonal property, right of property or other valuable thing, the income of which
174 shall not exceed \$100,000 on the whole of such money, real estate, personal

175 property, right of property, or other valuable thing so obtained: *Provided*,
 176 that the sum of \$300,000, which may be received and accumulated shall be,
 177 when so received and accumulated, retained as a permanent fund, and there-
 178 upon and thereafter the annual income may be available for the uses and pur-
 179 poses of such pension fund.

180 *Third*—Said board of trustees shall have the power to draw such pension
 181 funds from the treasurer or other officials of such city, village or town,
 182 and may invest such fund or any part thereof in the name of the board of
 183 trustees of the police pension fund in interest bearing bonds of the United
 184 States of the State of Illinois or of any county of this State, or of any town-
 185 ship or of any municipal corporation of the State of Illinois, and all such
 186 securities shall be deposited with the treasurer of said board and shall be sub-
 187 ject to the order of said board; said treasurer of said board shall furnish a
 188 good and sufficient bond to said board for an amount to be fixed by said board;
 189 all costs, incidental to same, to be paid out of said pension fund.

190 *Fourth*—The interest received from any such investment of said fund after
 191 said fund shall exceed the sum of \$300,000, and all moneys in excess of said
 192 amount, shall be turned over to the treasurer of said city, village or town.

193 *Fifth*—To compel witnesses to attend and testify before it, upon all mat-
 194 ters connected with the operation of this Act, in the same manner as is or
 195 may be provided by law for the taking of testimony before masters in chan-
 196 cery, and its president or any member of said board may administer oaths to
 197 such witnesses.

198 *Sixth*—To appoint a clerk and define his duties.

199 *Seventh*—To provide for the payment from said fund of all its necessary
 200 expenses, including clerk hire, printing and witness fees: *Provided*, that no
 201 compensation or emolument shall be paid to any member of said board for
 202 any duty required or performed under this Act.

203 *Eighth*—To make all necessary rules and regulations for its guidance in
204 conformity with the provisions of this Act.

205 Sec. 12. All members of the police force, and any widow or child or chil-
206 dren of such members, and all police matrons, and the child or children of
207 such police matrons of any such city, village or town, who, upon the taking
208 effect of this Act, shall be entitled to receive any benefit under an Act en-
209 titled "An Act to amend an Act for the relief of disabled members of the
210 police and fire departments in cities and villages," approved May 24, 1877, in
211 force July 1, 1877, as amended by an Act approved May 10, 1879, in force
212 July 1, 1879, shall receive no payments or benefits under said Act, but shall,
213 in lieu thereof, be entitled to the benefits provided for in this Act. But if at
214 any time there shall not be sufficient moneys belonging to such fund to pay
215 the allowances of such board to its beneficiaries, then they shall be paid pro
216 rata from such fund, but no allowance or order of such board shall be held to
217 create any liability against any such city, village or town, except upon the
218 fund so set apart as aforesaid for the payment thereof.

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- 1 Introduced by Mr. Fieldstack, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

For an Act to amend section one of an Act entitled, "An Act to revise the law in relation to the department of agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883; and in force July 1, 1883.

SECTION 1. STATE BOARD OF AGRICULTURE.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the department of agriculture, for the promotion of agriculture and horticulture, manufactures and domestic arts, shall be continued and shall be managed by a board, to be styled the State Board of Agriculture. And that on the first Tuesday after the first Monday in November, 1910, and every two years thereafter, there shall be elected by the legal voters of each Congressional district in the State, fifty members of the State Board of Agriculture, two from each Congressional district, who shall serve for the term of two years, or until their suc-

cessors are elected and duly qualified. The members of the State Board of Agriculture shall enter upon the duties of their office on the second Tuesday of January succeeding their election, and at that time elect one of their number as president, one vice president and one treasurer, whose term of office shall be for the period of one year, or until their successors are elected and qualified. The State Board of Agriculture may fill a vacancy arising from death or otherwise by appointment from the district in which the vacancy occurs. The compensation allowed to each member shall not exceed the sum of five dollars per diem and five cents a mile to and from their homes to the city of Springfield, and for only actual service rendered. Itemized bills must be submitted to the board and paid only upon its approval of the president, secretary and treasurer thereof.

Sec. 2. SECRETARY.] The State board shall appoint some person, not a member of the board, secretary, and fix his compensation, who shall hold his office during the term for which the members of the board appointing him are elected, unless for good cause he shall sooner be removed by the board, and who shall perform such duties as usually pertain to the office of secretary, or as shall be required of him by the board.

Sec. 3. TREASURER—ACCOUNTS—REPORTS.] They shall also appoint some person, not a member of the board, as treasurer, and fix his compensation and prescribe his duties, who shall give bond in such sum and with such surety as the board shall direct, conditioned for the faithful discharge of the duties of his office. He shall hold his office during the term for which the members of the board appointing him are elected, unless for a good cause he shall be sooner removed by the board. He shall keep an accurate account of all money received by him and paid out, and make an annual report thereof to the State board and make full settlement with the board.

Sec. 4. OFFICE OF BOARD.] The State Board of Agriculture shall keep
 2 an office for the transaction of business at Springfield, in the rooms assigned
 3 to the Department of Agriculture in the State House, to be under the control
 4 of said board.

Sec. 5. CORPORATE POWER OF BOARD—STATE NOT LIABLE FOR DEBTS AND CON-
 2 TRACTS OF.] The State Board of Agriculture, in that name, may contract and
 3 be contracted with, may purchase, hold or sell property, may sue and be sued
 4 in all courts or places; may hold State fairs and fat stock shows, at such
 5 times and places as the board may determine; but this State shall never be
 6 liable for any debt of contract of said board.

Sec. 6. OTHER POWERS OF BOARD.] The State Board of Agriculture shall
 2 have the sole control of the affairs of the Department of Agriculture, of all
 3 State fairs and fat stock shows, and may make such by-laws, rules and regu-
 4 lations in relation to the Department of Agriculture, and the management of
 5 the business of such department and State fairs and fat stock shows, and
 6 offering of premiums, as a majority of said board shall, from time to time,
 7 determine, not inconsistent with the constitution and laws of this State or of
 8 the United States.

Sec. 7. APPROPRIATIONS—HOW PAID AND DIVIDED.] Whatever money shall be
 2 appropriated to the Department of Agriculture shall be paid to the State
 3 Board of Agriculture, and may be expended by them as, in the opinion of said
 4 board, will best advance the interests of agriculture, horticulture, manufactures
 5 and domestic arts in this State: *Provided*, when any appropriation is made
 6 for the benefit of county or other agricultural societies, the same shall be
 7 equally divided between such agricultural societies as shall have given satis-
 8 factory evidence to said State board of having held an annual fair and paid
 9 as premiums not less than three hundred dollars (\$300), and made their annual

10 report on or before the 15th day of November to the State Board of Agricul-
11 ture.

Sec. 8. ANNUAL REPORTS TO GOVERNOR.] The State Board of Agriculture
2 shall, after their annual meeting in January in each year, make and deliver
3 to the Governor a report of their acts and doings, as required by law, and no
4 other annual reports shall be made by said board.

Sec. 9. WHAT REPORT TO CONTAIN.] Said State Board of Agriculture may
2 append to, and publish with their said report, the annual report of the State
3 Entomologist, and such other reports or essays connected with agriculture, hor-
4 ticulture, manufacture of domestic arts, as, in the judgment of said board, the
5 interests of the State require; said annual report and appended essays not to
6 exceed seven hundred printed pages.

Sec. 10. SPECIAL POLICEMEN—APPOINTMENT—POWERS.] It shall be lawful
2 for the State Board of Agriculture or other agricultural society, at or before
3 the time of holding an annual fair, to select or appoint as many persons to
4 act in the capacity of special police as are by said society deemed requisite
5 to insure peace and good order on or about the grounds, or place of hold-
6 ing such fair, for and during the holding of the same: *Provided*, that such
7 person, before entering upon the duties of special police, shall receive his
8 authority from, and take the oath of office by any judge or justice of the
9 peace, or other officer authorized to administer oaths, residing or holding his
10 office in the town or municipal corporation most contiguous to the fair ground,
11 or place of holding such fair, and shall receive from such judge or justice of
12 the peace a certificate, under seal, of his appointment and authority to act as
13 such special police, which shall be indicated by some appropriate badge of of-
14 fice, and when so authorized, he shall be clothed with full police powers.

Sec. 11. TRESPASS ON FAIR GROUNDS—PENALTIES.] Whoever trespasses upon
 2 any fair grounds, or commits any depredations upon the property of any
 3 agricultural society, by cutting or destroying any timber or trees, breaking or
 4 carrying away any box, trough, stall, bench, fence, lock, door, gate, lumber or
 5 other appurtenances to any fair ground, whether within or without the encl-
 6 sure thereof, shall be fined not less than five nor exceeding two hundred dol-
 7 lars, and shall be liable, civilly, for damages sustained by such wrongful act.

Sec. 12. LIQUOR AND GAMING PROHIBITED — PENALTY.] Whoever shall keep
 2 any shop, booth, tent, wagon, vessel, boat, or other place for the sale of spir-
 3 ituous liquors, or expose for sale, or sell, give away or otherwise dispose of
 4 any spirituous liquors, or engages in gaming at or within two miles of the
 5 place where any agricultural, horticultural or mechanical fair is being held,
 6 shall, for each offense, be fined not less than five nor more than one hundred
 7 dollars: *Provided*, this section shall not affect tavern keepers, distillers or
 8 others exercising their calling at their usual place of business.

Sec. 13. ENFORCEMENT OF PENALTY.] Any person violating the provisions
 2 of the preceding section may be arrested upon view or upon warrant by any
 3 sheriff, coroner, constable or other officer authorized to make arrest; and such
 4 officer may also seize the booth, tent, wagon, vessel or boat and articles to be
 5 sold, and convey the same before the justice of the peace, with the offender,
 6 and upon a judgment being rendered against the offender, the same may be
 7 sold upon the execution issued upon such judgment; and if sufficient property
 8 is not found to satisfy such fine, the offender may be committed to the county
 9 jail until the fine and costs are paid or the prisoner discharged according
 10 to law.

Sec. 14. MEANING OF WORD FAIR.] Wherever the word "fair" occurs in
 2 this Act, it shall be held to mean a *bona fide* exhibition of the four principal

3 classes of live stock, together with general agricultural and horticultural pro-
4 ducts and mechanical arts.

Sec. 15. REPEAL.] All Acts and parts of Acts, inconsistent with the pro-
2 visions of this Act, are hereby repealed.

Sec. 16. EXHIBITION—ENTRANCE WITHOUT TICKET—PENALTY.] That who-
2 ever, during the holding of any fair or exhibition of any agricultural, horti-
3 cultural or mechanical association, shall gain or attempt to gain entrance to
4 the grounds or enclosure, within or upon which such fair or exhibition is
5 being held, without having permission from the proper authorities thereof, or
6 without having purchased and surrendered a ticket of admission thereto, or
7 without having complied with the published rules of such association in regard
8 to entrance thereto, shall be fined not less than two nor more than ten dollars.
9 [Added by amendment, approved April 24, 1899, in force July 1, 1899.

- 1 Introduced by Mr. Fieldstack, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act to provide for the creation and management of Forest Preserve Districts
and repealing certain Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever any area of contiguous territory
3 contains within its boundaries one or more cities, towns or villages and lies
4 wholly within one county, such territory may be incorporated as a forest pre-
5 serve district in the following manner, to-wit:

6 Any one thousand legal voters residing within the limits of such proposed
7 district may petition the county judge of the county in which such proposed
8 district lies to cause the question to be submitted to the legal voters of such
9 proposed district whether or not it shall be organized as a forest park preserve
10 district under this Act. Such petition shall be addressed to the county judge

11 of the county in which such proposed forest preserve district is situated
12 and shall contain a definite description of the territory intended to be embraced
13 in such district and the name of such district. Upon the filing of such petition
14 in the office of the clerk of the county court of the county in which such terri-
15 tory is situated, it shall be the duty of such county judge to fix a day and hour
16 for the public consideration thereof, which shall not be less than fifteen days
17 after the filing of such petition and in the event two or more petitions are
18 filed under the provisions of this Act, the public hearing of all said petitions
19 shall be set for the same day and hour. Said county judge shall cause a notice
20 of the time and place of such public consideration to be published three succes-
21 sive days in some newspaper having a general circulation in the territory pro-
22 posed to be placed in such district, the date of the last publication of such notice
23 shall not be less than five days prior to the time set for such public hearing. At
24 the time and place fixed for such public hearing, said county judge shall sit and
25 hear any person owning property in such proposed district who desires to
26 be heard and shall at such period determine and fix the boundaries of such pro-
27 posed district as shall to him seem to be for the best interests of all parties
28 concerned. Should two or more petitions be filed under this Act and come on
29 for hearing at the same time said county judge may include part or all of the
30 territory described in each of said petitions in one district and shall fix such
31 name for said district so defined as to him shall seem appropriate: *Provided,*
32 *however,* that only one forest preserve district may be created in any county.
33 Upon the determination by said county judge of the territory to be embraced in
34 such district and the name to be given thereto, such county judge shall cause to be
35 entered upon the records of the county court of such county an order fixing and
36 defining the boundaries and the name of such proposed district and thereupon he
37 shall order to be submitted to the legal voters of such proposed district at the
38 next general election held therein the question of the creation of such proposed

39 district. In ordering such election such county judge shall proceed in the same
40 manner as is provided in the Act governing the organization of cities and vil-
41 lages in unincorporated territory. The returns of such election shall be made
42 to the county judge of such county and shall be canvassed by such county judge,
43 who shall cause a statement of the result of such election to be entered upon the
44 records of the county court of such county and if a majority of the votes cast
45 upon such question is found to be in favor of a creation of such forest preserve
46 district, such forest preserve district shall thenceforth be deemed an organized
47 forest preserve district under this Act.

Sec. 2. All courts shall take judicial notice of all forest preserve dis-
2 tricts organized under this Act. The affairs of such district shall be managed
3 by a board of commissioners consisting of a president and four commissioners,
4 all of whom shall be appointed by the president of the board of county commis-
5 sioners or the chairman of the board of supervisors of the county in which such
6 proposed forest preserve district is situated, by and with the advice and con-
7 sent of the member of such board. The first appointment shall be made with-
8 in sixty days after such forest preserve district has been organized as pro-
9 vided herein. Each member of such board shall be a legal voter in such district.
10 At the time of the making of the first appointments, the president shall be
11 appointed for a term of four years, two members for a term of two years each
12 and two members for a term of four years each and until their successors are
13 appointed and qualified and at the expiration of the term of the president or
14 any member, his successor shall in like manner be appointed for a term of four
15 years and until his successor is appointed and qualified: *Provided*, that no
16 more than three members of such board shall be of the same political party.
17 Each member of the board before entering upon the duties of his office shall
18 take the oath prescribed by the constitution.

19 From the time of the appointment of the first board of commissioners,
20 such forest preserve district shall be construed in law and equity a body cor-
21 porate and politic by the name and style determined by the county judge as
22 aforesaid and by such name may sue and be sued, contract and be contracted
23 with, acquire and hold real and personal estate necessary for its corporate
24 purpose and adopt a seal and alter the same at its pleasure.

Sec. 3. The board of commissioners appointed in pursuance of the pro-
2 visions of this Act shall be the corporate authority of such forest preserve
3 district and shall have power to pass and enforce all necessary ordinances,
4 rules and regulations for the management and conduct of the business and
5 property of such district. Such board shall have power to appoint a secre-
6 tary and treasurer and such other officers and such employes as may be nec-
7 essary, all of whom, except the treasurer, shall be under civil service rules and
8 regulations, as provided for by section 2 of this Act.

9 The president shall receive a salary not to exceed the sum of twenty-five
10 hundred dollars per annum and the salary of other members of the board shall
11 not exceed fifteen hundred dollars per annum. Salaries of the commissioners,
12 officers and employes shall be fixed by ordinance.

Sec. 4. The board of commissioners shall keep a record of all ordinances
2 and other proceedings which shall be open to the inspection of any person
3 residing in such district at all reasonable and proper times. The board of
4 commissioners shall report annually to the board of county commissioners or
5 the board of supervisors of the county in which such district is located, the
6 revenues received, expenditures made, land acquired, with the progress of con-
7 struction work, the condition of the property and such other matters as may
8 have been acted upon by the board during the previous year.

Sec. 5. All ordinances imposing any fine or penalty or making any ap-
2 propriation of money, shall within ten days after their passage, be published

3 at least once in some newspaper published in such district or having a general
4 circulation therein to be designated by the board of commissioners and no such
5 ordinance shall take effect until ten days after it is so published. All other
6 ordinances and all orders or resolutions shall take effect from and after their
7 passage unless otherwise provided therein. All ordinances, orders and resolu-
8 tions and the date of publication thereof may be proven by the certificate of
9 the secretary of such district under the seal of the corporation and when
10 printed in book or pamphlet form and published by authority of such board
11 of commissioners, such book or pamphlet shall be received as evidence of the
12 passage and publication of such ordinances, orders and resolutions as of the
13 date mentioned in such book or pamphlet in all courts and places without fur-
14 ther proof.

Sec. 6. The board of commissioners of any such forest preserve district
2 shall have power to designate by ordinance the whole or any part of any
3 streets, roads, boulevards or other highways within the limits of such districts
4 as public driveways to be used for pleasure driving and to improve and main-
5 tain the same; also to lay out, establish, open, alter, widen, extend, grade, pave
6 or otherwise improve and maintain such pleasure driveways: *Provided*, that in
7 each of such pleasure driveways there shall be a separate roadway for the use
8 of traffic, teams and vehicles along or parallel to such pleasure driveway, to be
9 kept and maintained at the expense of such district: *And, provided, further*,
10 no such pleasure driveway shall fall within the territory embraced within any
11 public park district of any city, village or incorporated town organized under
12 any law of this State without the consent of the corporate authorities of such
13 park district, city, village or incorporated town. The board of commissioners
14 of such forest preserve district may by ordinance regulate and control the
15 speed of travel on such pleasure driveways and shall prohibit the use of such
16 driveways for racing or speeding purposes and may exclude therefrom traffic

17 teams and vehicles and may, by ordinance, prescribe such fines and penalties
18 for the violation of its ordinances as cities and villages are allowed to pre-
19 scribe for the violation of their ordinances. The board of commissioners may
20 lay out, extend, maintain and improve pleasure driveways under the provis-
21 ions of any law authorizing local improvements by cities or villages now or
22 hereafter in force.

Sec. 7. The board of commissioners of every such district shall have power
2 to acquire by gift, grant, devise or purchase or by condemnation, any and all
3 grounds and lands necessary for constructing, building, laying out and main-
4 taining such pleasure driveways and forest preserve districts as it may deem
5 proper or desirable: *Provided*, no lands thereby acquired shall lie within the
6 limits of any public park district, city, village or incorporated town, except up-
7 on the consent of the corporate authorities of such park district, city, village
8 or incorporated town. The board of commissioners shall have power to
9 raise money by general taxation for the purpose of acquiring, improving and
10 maintaining pleasure driveways and forest preserves and power to borrow
11 money upon the faith and credit of such district and to issue bonds therefor:
12 *Provided, however*, such districts shall not, unless authorized by a vote of the
13 electors thereof, as hereinafter provided, become indebted in any manner or
14 for any purpose, to an amount including existing indebtedness in the aggregate
15 exceeding one per centum of the value of the taxable property therein, as as-
16 certained by the last equalized assessment for State and county purposes: *Pro-*
17 *vided, however*, the board of commissioners of any such district may submit
18 to the electors thereof, at any election held therein, the question of incurring a
19 greater amount of indebtedness and issuing bonds therefor, and if a majority
20 of those voting on such question shall be for the incurring of such increase
21 of indebtedness, or for such bond issue, then such increased indebtedness may
22 be incurred and such bonds may be issued, but in no case shall the total in-

23 indebtedness of such district exceed the sum of the per centum of the value of
 24 the taxable property in such district, as ascertained by the last equalized as-
 25 sessment for State and county purposes. Before or at the time of issuing
 26 any bonds, the board of commissioners shall provide, by ordinance, for the
 27 collection of an annual tax sufficient to pay the interest on such bonds as it falls
 28 due, and to pay such bonds as they mature. All bonds issued by any forest
 29 preserve district shall be divided into series, the first of which shall mature
 30 not later than five years after the date of issue, and the last of which shall ma-
 31 ture not later than 20 years after the date of issue.

32 All general taxes levied by the board of commissioners of any forest pre-
 33 serve district, shall be levied at the same time and in the same manner as taxes
 34 are levied for city and village purposes: *Provided*, that the aggregate amount
 35 of taxes levied for any one year, exclusive of the amount levied for the pay-
 36 ment of interest on and principal of bonded indebtedness, shall not exceed the
 37 rate of one mill on each dollar. All moneys collected under the provisions of
 38 this Act shall be paid to the treasurer of such district.

Sec. 8. Whenever any person holding the office of president or com-
 2 missioner of any such district shall, from any cause, cease to be a legal
 3 voter within such district, his office shall thereupon become vacant, and a suc-
 4 cessor shall be appointed for the remainder of his term as other members of
 5 the board of commissioners are appointed.

Sec. 9. Any territory adjoining any forest preserve district organized
 2 hereunder, may become a part of such district in the following manner: Up-
 3 on the filing with the county judge, of the county in which such district is lo-
 4 cated, of a petition signed by not less than ten per cent of the legal voters
 5 residing within the territory proposed to be annexed, such county judge shall
 6 submit at the next general election held in the territory so proposed to be an-

7 nexed, the question of such annexation, and if a majority of the votes cast
8 upon such question shall be in favor of such annexation, when such votes are
9 canvassed in the manner provided for the canvass of the votes upon the crea-
10 tion of a forest preserve district, such territory so proposed to be annexed
11 shall become and be a part of such forest preserve district.

Sec. 10. The president of the board of commissioners of any district
2 organized hereunder, shall preside at all meetings of the board and be the execu-
3 tive officer of such district; he shall sign all ordinances, resolutions and other
4 papers necessary to be signed and shall execute all contracts entered into by
5 such district and perform such other duties as may be prescribed by ordi-
6 nance; he shall have the right to veto any ordinance: *Provided*, that such veto
7 shall be filed with the secretary of such board within five days after the pas-
8 sage of such ordinance and when so vetoed such ordinance shall not be effec-
9 tive unless the same be again passed by the unanimous vote of all the mem-
10 bers of such board. The president shall be entitled to vote only in case of a
11 tie; in the temporary absence or inability of the president, the commissioners
12 may elect from their own number a president *pro tem*.

13 The "yeas" and "nays" shall be taken upon the passage of all ordinances
14 and all proposals to create any liability or for the expenditure or appropriation
15 of money and in all other cases at the request of any member of the board
16 and shall be entered on the journal of the board's proceedings, and the con-
17 currence of a majority of all the members appointed to the board shall be nec-
18 essary to the passage of any such ordinance or provision.

Sec. 11. Whenever the county in which forest preserve district is located
2 shall be governed by any law regulating its civil service and the method of
3 selecting its employes, in every such case all employes of such forest preserve
4 district except the treasurer shall be selected in the manner provided by the

5 law regulating the civil service in such county and all such employes shall be
6 subject at all times to the provisions of such Act.

Sec. 12. The board of commissionners shall have power to acquire title
2 to any land abutting on or in the vicinity of such forest preserve district or
3 pleasure driveway, or such easements and rights in or over any such land as
4 may be necessary or appropriate to control the surroundings of such district
5 or pleasure driveway and for such purpose the board of commissioners of such
6 forest preserve district may, by gift, devise, dedication, purchase or condem-
7 nation, acquire any lands or easements. In all cases where any such district
8 acquires any land or easements by condemnation, a title thereto shall be in
9 fee simple absolute and such title shall not terminate or be defeated by cessa-
10 tion or abandonment of the use for which it was acquired. The board of
11 commissioners of any such forest preserve district may, by ordinance passed
12 by the affirmative vote of all the members of such board, sell and dispose of
13 any lands acquired by such board: *Provided, however,* that no such sale or
14 disposal shall be effective until it is approved by the board of county com-
15 missioners or the board of supervisors of the county in which such district is
16 located.

Sec .13. The board of commissioners of any forest preserve dis-
2 trict organized hereunder, shall have power to acquire and hold lands for the
3 erection and maintenance thereon of public buildings for the use of the general
4 public for recreation and assembly purposes of a general and not of a religious
5 character, and to acquire and hold lands surrounding such buildings, or con-
6 nected therewith, and to manage, control, improve, maintain and beautify such
7 lands and buildings. Any forest preserve district organized under this Act
8 shall have power to acquire and hold land for the purpose of protecting and
9 preserving the flora and fauna and scenic beauties of the State; to protect and

10 preserve such lands as nearly as may be, in their natural condition for the
11 purpose of the education, pleasure and recreation of the public; to provide and
12 maintain all necessary, convenient and appropriate pleasure driveways, paths
13 and other means of access to such district.

Sec. 14. An Act to provide for the creation of forest preserve districts,
2 approved May 18, 1905, in force July 1, 1905, is hereby repealed.

Sec. 15. WHEREAS, An emergency exists, therefore, this Act shall be in
2 effect from and after the time of its passage.

- 1 Introduced by Mr. Finley, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act to require nonresidents of this State to take out license annually before being permitted to fish in this State and increasing fines for violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That on and after the passage of this Act it shall be unlawful for any person not a resident of this State to fish in any of the rivers, creeks, lakes, sloughs or ponds of this State without first taking out a license from the county clerk of the county in which said river, creek, lake, slough or pond may be located and he shall pay for the same the sum of twenty-five dollars (\$25.00).

Sec. 2. Any nonresident fishing in this State with hook and line, seine, net or otherwise without first having taken out a license to do so shall be deemed

3 guilty of a misdemeanor and upon conviction thereof shall be fined not less
4 than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00)
5 for each offense, and shall stand committed until such fine is paid.

1 Introduced by Mr. Galligan, March 31, 1909.

2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to protect the public from imposition in relation to canned and pre-
served food and other articles of food.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall hereafter be unlawful in this State for
3 any packer or dealer in preserved or canned fruits, meats or vegetables or
4 other articles of food, to offer such canned articles for sale after July 1, A. D.
5 1909, with the exception of goods brought from foreign countries, or packed
6 prior to the passage of this Act, unless such articles shall bear a stamp to
7 indicate the date that the said canned fruits or vegetables or such other arti-
8 cles of food were canned or packed.

Sec. 2. Any person, firm or corporation who shall falsely stamp or label
2 such cans or jars containing the preserved fruit or food of any kind, or know-
3 ingly permit such false stamp or label, and any person, firm or corporation

4 who shall violate any of the provisions of this Act shall be deemed guilty of a
5 misdemeanor and punished with a fine of not less than twenty-five dollars (\$25)
6 nor more than two hundred dollars (\$200), and it shall be the duty of the
7 Board of Health in this State cognizant of any violation of this Act to prose-
8 cute any person, firm or corporation which it has reason to believe has vio-
9 lated any provision of this Act, and after deducting the costs of the trial and
10 conviction to retain for the use of such board the balance of the fine or fines
11 recovered.

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- 1 Introduced by Mr. Galligan, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to compel corporations operating interurban electric railroads outside the limits of incorporated cities and towns to sound certain alarms at grade crossings.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every corporation managing or operating an
3 electric interurban railroad outside of the limits of incorporated cities, villages
4 and towns, shall cause a bell of at least thirty pounds weight and a whistle to
5 be placed and kept on each of their said electric cars and shall cause the same
6 to be rung and whistled by their employes on said car at the distance of at
7 least eighty rods from the place where the said electric railroad crosses or
8 intersects any public highway at grade and shall be kept ringing or whistling
9 until such highway is reached.

Sec. 2. Any corporation violating the provisions of this Act shall be liable
2 to a fine or penalty of not less than twenty-five dollars nor more than two hun-
3 dred dollars for each offense, to be recovered in an action of debt before any
4 court of competent jurisdiction, in the name of the People of the State of Illi-
5 nois, for the use of the person making the complaint.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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- 1 Introduced by Mr. Gray, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Canal, River and Harbor Improvements and Commerce.

A BILL

For an Act to amend section 1 of an Act entitled “An Act in regard to mills and millers and dams for mills and other machinery and navigation,” approved March 2, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That when any person or persons owning land on
3 one or both sides of any stream, or water course, any part of the bed of which
4 belongs to such person or persons, shall desire to build or repair any public
5 grist mill, saw mill, or other public mill or machinery, *or machinery for the crea-*
6 *tion and development of power or energy for public purposes,* or to erect, re-
7 pair or increase in height any dam across such stream or water course, to sup-
8 ply water for any such mill or machinery, or to improve the navigation of any
9 such stream or water course for the use of such mill or machinery, and it shall

10 be necessary to take or injure private property without the owner's consent,
11 and the compensation therefor can not be agreed upon by the parties interested,
12 it shall be lawful for the person or persons desiring to build or repair such mill
13 or machinery, or to erect, repair or increase the height of any such dam, to
14 cause the damage or compensation to be paid to the owner or other persons
15 interested in the property to be taken or injured, to be ascertained in the man-
16 ner provided by law for the taking or damaging of private property for public
17 use: *Provided*, that no such dam shall be erected or increased in height, or
18 maintained, when the health of a neighborhood will be injuriously affected
19 thereby: *Provided*, that no dam shall be erected or increased in height until at
20 least sixty (60) days' notice of the intention of the parties, (so desiring to erect
21 or increase in height any such dam) to apply for a jury to assess damages, shall
22 have been given in at least one newspaper published nearest the proposed dam
23 and personal notice to all persons interested, if their place of residence is known.

- 1 Introduced by Mr. Holiday, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act to amend "An Act to provide for the assessment and collection of a general tax by cities for parks and boulevard purposes," approved June 17, 1893, in force June 17, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That "An Act to provide for the assessment and
3 collection of a general tax by cities for parks and boulevard purposes," ap-
4 proved June 17, 1893, in force June 17, 1893, be and the same is hereby
5 amended to read as follows:

6 Sec. 1. That the city council in cities having a population of not less
7 than five thousand nor more than one hundred thousand inhabitants, to be
8 ascertained by the last United States census, whether incorporated under the
9 general law or special charter, shall have the power, by ordinance, to provide

10 annually by taxation a special fund, not to exceed thirty (30) cents on each
11 one hundred dollars' valuation of the taxable property within the corporate
12 limits of said cities, to be assessed and collected in the same manner as the
13 other general taxes for said cities are assessed and collected, to be used only
14 for the purpose of purchasing land for parks and boulevards in and around
15 such cities, and for opening, improving and maintaining the same: *Provided,*
16 that the said annual park and boulevard tax shall not be included in the ag-
17 gregate amount of taxes as limited by section one (1) of article eight (8) of
18 "An Act for the incorporation of cities and villages," approved April 10,
19 1872, and the amendatory Acts thereto, or by any provision of any special
20 charter under which any city in this State is now organized: *And, provided,*
21 *further, that an amount not to exceed twenty per cent of such special fund may*
22 *be expended for the purpose of providing music in such parks during the*
23 *months of May, June, July, August and September in each year.*

AMENDMENTS TO

46th Assem.

HOUSE—No. 448

April 1909

AMENDMENT NO. 1.

Amend House Bill 448 by inserting after the words and figures “In force June 17, 1893,” in the title thereof in the printed bill the words and figures “As amended by an Act approved and in force January 31, 1895.”

AMENDMENT NO. 2.

Amend House Bill 448 by inserting after the words and figures “In force June 17, 1893,” in line four of the printed bill the words and figures “As amended by an Act approved and in force January 31, 1895.”

AMENDMENT NO. 3.

Amend House Bill No. 448 in line ten (10) by striking out the words and figures “thirty (30)” and inserting in lieu thereof the words and figures “eighteen (18).”

1911-1912

1911-1912

1911-1912

1911-1912

1911-1912

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- 1 Introduced by Mr. Hull, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

A BILL

For an Act to establish free employment offices in cities of 150,000 or more inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That a free employment office shall be
3 established in each city of this State containing a population of 150,000 inhabi-
4 tants or more, according to the last federal or local census taken for said city,
5 for the purpose of receiving applications of persons seeking employment and
6 applications of persons seeking to employ labor, such office to be designated and
7 known as Illinois Free Employment Office.

Sec. 2. Within sixty days after this act shall have been in force and be-
2 come applicable to any city, the Governor shall appoint a superintendent and
3 assistant superintendent and a clerk for each of the offices created by Section 1

4 of this act, who shall devote their entire time to the duties of their respective
5 offices. The assistant superintendent or the clerk shall in each case be a woman.
6 The tenure of such appointment shall be two years, unless sooner removed for
7 cause. The salary of each superintendent shall be fifteen hundred (\$1500) dol-
8 lars per annum, the salary of such assisiant superintendent shall be one thou-
9 sand two hundred (\$1,200) dollars per annum. The salary of such clerk shall
10 be one thousand (\$1,000) dollars per annum.

Sec. 3. Said superintendent shall, subject to the State Board of Commis-
2 sioners of Labor, establish as many branch offices in said city as the local needs
3 may require or make desirable, which branch offices he shall have power from
4 time to time to increase in number or discontinue. All such branch offices shall
5 be conducted under his chief supervision and he shall take especial care that all
6 information and data regarding applications received for help or employment
7 and positions filled shall be promptly reported to him and be kept on file at the
8 main office. As far as practicable, separate rooms shall be provided in each of-
9 fice for male and for female applicants for employment; and whenever there
10 shall be employed in any main branch office more than one subordinate official
11 or clerk, one of such subordinate officials or clerks shall be a woman. The
12 superintendent shall have power to procure the necessary office equipment and
13 clerical help for such main office and branch offices within the limits of the
14 amounts appropriated for that purpose by the Legislature.

Sec. 4. Upon the outside of each such office, in position and manner to se-
2 cure the fullest public attention, shall be placed a sign which shall read in the
3 English language, Illinois Free Employment Office, and the same shall appear
4 either upon the outside windows or upon signs in such other languages as the
5 location of each such office shall render advisable. The superintendent of each

6 such free employment office shall receive and record in books kept for that pur-
 7 pose, names of all persons applying for employment or help, designating oppo-
 8 site the names and addresses of each applicant the character of employment or
 9 help desired. Special registers for applicants for employment shall be kept,
 10 showing the age, sex, nativity, trade or occupation of each applicant, the cause
 11 and duration of non-employment, whether married or single, the number of de-
 12 pendent children, together with such other facts as may be required by the
 13 bureau of labor statistics to be used by said bureau: *Provided*, That no special
 14 registers shall be open to public inspection at any time; and that such statistical
 15 and sociological data as the bureau of labor may require shall be held in con-
 16 fidence by said bureau, and so published as not to reveal the identity of any
 17 one: *And, provided, further*, That any applicant who shall decline to furnish
 18 answers as to the questions contained in special registers shall not thereby for-
 19 feit any rights to any employment the office might secure.

Sec. 5. The superintendent shall report on Thursday of each week to the
 2 State Bureau of Labor Statistics the number of applications for positions and
 3 for help received during the preceding week, and the number of positions se-
 4 cured, also those unfilled applications remaining on the books at the beginning
 5 of the week. It shall also show the number and character of the positions se-
 6 cured during the preceding week. Upon receipt of these lists, and not later
 7 than Saturday of each week, the secretary of the said Bureau of Labor Statistics
 8 shall cause to be printed a sheet showing separately and in combination the
 9 lists so received.

Sec. 6. It shall be the duty of such superintendent to immediately put him-
 2 self in communication with the principal manufacturers, merchants and other
 3 employers of labor, and to use all diligence in securing the co-operation of the

4 said employers of labor, with the purposes and objects of said employment of-
5 fices. To this end it shall be competent for such superintendent to advertise in
6 the columns of newspapers, or other medium, for such situations as he has appli-
7 cants to fill, and he may advertise in a general way for the co-operation of large
8 contractors and employers in such trade journals or special publications as
9 reach such employers, whether such trade or special journals are published with-
10 in the State of Illinois or not.

Sec. 7. It shall be the duty of such superintendent to make report to the
2 State Bureau of Labor Statistics annually, not later than December first of each
3 year, concerning the work of his office for the year ending October first of the
4 same year, together with a statement of the expenses of the same, including the
5 charges of an interpreter when necessary, and such report shall be published by
6 the said bureau of labor statistics annually with its coal report. Such superin-
7 tendent shall also perform such other duties in the collection of statistics of
8 labor as the secretary of the Bureau of Labor Statistics may require.

Sec. 8. No fee or compensation shall be charged or received, directly or
2 indirectly, from persons applying for employment or help through said free
3 employment offices, and any superintendent, assistant superintendent or clerk or
4 other subordinate employe of any such office who shall accept, directly or indi-
5 rectly, any fee or compensaton from any applicant or from his or her represent-
6 ative, shall be deemed guilty of a misdemeanor and upon conviction shall be
7 fined not less than twenty-five nor more than fifty dollars and imprisoned in the
8 county jail not more than thirty days.

Sec. 9. The term "Applicant for employment" as used in this act shall be
2 construed to mean any person seeking work of any lawful character, and "ap-

3 plicant for help'' shall mean any person or persons seeking help in any legiti-
4 mate enterprise; and nothing in this act shall be construed to limit the meaning
5 of the term work to manual occupation, but it shall include professional service
6 and all other legitimate service.

Sec. 10. So much of an Act relating to employment offices and agencies, ap-
2 proved and in force May 11, 1903, as relates to free employment offices in cities
3 containing a population of 1,000,000 or over, shall hereby be repealed and the
4 superintendents of free employment offices in such cities shall turn over to the
5 superintendent of the free employment offices for such city appointed under
6 this act upon his demand all records, papers, and other property in their pos-
7 session belonging to said offices. Said Act of May 11, 1903, shall cease to be
8 applicable to cities containing 150,000 or more inhabitants.

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- 1 Introduced by Mr. Hutzler, March 31, 1909.
 - 2 Read by title, ordered printed and to lie on the Speaker's Table.

A BILL

For an Act to prevent fraud in the use of coupons, checks, tickets, stamps and similar devices, and to provide a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person, firm or corporation, to give, sell or deliver as an inducement for, or in connection with, the sale of merchandise, any coupon, check, ticket, stamp, token or similar device redeemable in money or merchandise by any other person, firm or corporation, without the consent of the person, firm or corporation originally issuing the same and responsible for the redemption thereof.

Sec. 2. That it shall be unlawful for any person, firm or corporation to give, sell or deliver to merchants, any coupon, check, ticket, stamp token or similar device for use as an inducement for or in connection with the sale of

4 merchandise, without the consent of the person, firm or corporation originally is
5 suing the same and responsible for the redemption thereof.

Sec. 3. Any person violating this Act shall be guilty of a misdemeanor and
2 shall, upon conviction, be fined in a sum not exceeding \$200.

-
- 1 Introduced by Mr. Kannally, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to enable cities and villages to purchase, construct or enlarge waterworks, to provide for the management thereof, and giving them authority to levy an annual tax for the creation of a fund for such purchase, construction or enlarging, and limiting the granting or extension of waterworks franchise.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That cities and villages shall have the power to
3 levy, in addition to the taxes now authorized by law, a direct annual tax of
4 not more than two (2) cents on the dollar, said tax to be payable yearly for
5 a period of not more than thirty (30) years; the proceeds of said tax to be
6 used solely for the creation of a fund for the purchase, construction or en-
7 largement of waterworks.

Sec. 2. Whenever any city or village desires to avail itself of the provisions of this Act, the city council or the board of trustees, as the case may be, upon the petition of twenty per cent (20 per cent) of the voters voting for presiding officer of the legislative body of such city or village at the next preceding city or village election, asking that a direct annual tax for the creation of a fund for the purchase, erection or enlargement of a waterworks system be submitted to a vote, and filed with the clerk of said city or village at least sixty (60) days before a special or general election, shall by ordinance or resolution declare its intention to purchase, construct or enlarge waterworks for an estimated amount, which estimated amount shall be computed by the city or village engineer, or any engineer appointed by such city council or board of trustees, and to levy a direct annual tax as authorized by section one (1) of this Act, the total of all of which said annual taxes, together with any other available funds, shall be sufficient to purchase, construct or enlarge such waterworks, but such ordinance shall not be binding until confirmed by vote as follows:

Sec. 3. Such ordinance, after action by the council or trustees aforesaid, shall, before it shall be valid or binding, be submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be purchased, erected or enlarged and the amount of tax to be levied annually, and said notice shall be posted in ten (10) public places within such city or village at least three (3) weeks previous to such election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three (3) weeks preceding such election there shall be on file in some public place convenient of access a copy of said ordinance for the inspection of the voters. If a majority of all the voters voting on said propo-

12 sition shall vote in favor of said ordinance, the same shall be binding and the
13 tax duly levied. The ballot at such election shall read:

Proposition to levy a tax of.....annually for.....years for the purpose of creating a fund with which to construct, purchase or enlarge (or all) waterworks.	Yes	
	No	

Sec. 4. The city council in cities and the board of trustees in villages
2 shall have the power to carry into execution the provisions of the ordinance,
3 when ratified by the voters as directed in section three (3), for the levying of
4 a direct annual tax for the creation of a special fund for the erection, purchase
5 or enlarging of waterworks, and employ a superintendent and such other em-
6 ployes as may be necessary and proper for the conduct of the business neces-
7 sary to the operation thereof.

Sec. 5. The board of trustees or city council shall, from time to time, fix
2 the water rentals and rates to be charged for the furnishing of water, and such
3 rates shall be made sufficient for the proper maintenance and operation of such
4 works, the proper and necessary extension thereof, and for all repairs
5 thereon.

Sec. 6. Whenever a city has availed itself of the provisions of this Act,
2 the city council or board of trustees shall not grant or extend a waterworks fran-
3 chise to any person or corporation for a longer term than five (5) years.

Sec. 7. This Act shall be considered as conferring additional powers on
2 city councils and boards of trustees, and as in addition to and not limiting
3 powers now given cities and villages, city councils and boards of trustees by law.

-
- 1 Introduced by Mr. Kannally, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to regulate demurrage and car service charges by railroads and common carriers, and to place control of the same under the jurisdiction of the Illinois Railroad and Warehouse Commission.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for railroads and com-
3 mon carriers to charge or attempt to collect demurrage charges or car service
4 rentals except as herein provided.

Sec. 2. That it shall be the duty of railroads and common carriers through
2 their agents and representatives to give notice to the consignee in all car load
3 shipments of the arrival and accessible placing of cars, after which free time
4 for the unloading of the same shall be extended as follows:

5 For cars of 30 tons capacity or less, 48 hours.

6 For cars of 50 tons capacity or less, 72 hours.

Sec. 3. That all free time shall start at 7 o'clock a. m., and close at 6 o'clock
2 p. m.

Sec. 4. That after the expiration of the free time herein provided for the
2 unloading of car load shipments, railroads and common carriers may collect as
3 demurrage or car service charges an amount not to exceed fifty (50) cents
4 for each day or 24 hours, and twenty-five (25) cents for each half day there-
5 after that said cars remain loaded: *And, provided, further,* that if a car shall
6 remain loaded longer than half a day after the expiration of the free time
7 herein given, not more than 25 cents shall be collected for each half day.

Sec. 5. That no demurrage or car service charges shall be extended or
2 collected against cars in private service, either by ownership or lease.

Sec. 6. That the jurisdiction of the Illinois Railroad and Warehouse
2 Commission is hereby extended to cover all complaints arising from demur-
3 rage or car service charges, with power to hear the same and render its de-
4 cisions in like manner as is now provided by law in all other cases.

Sec. 7. That each violation of this Act shall be deemed a misdemeanor
2 punishable by a fine of not less than fifty (\$50.00) dollars nor more than two
3 hundred (\$200.00) dollars for each offense.

Sec. 8. That all Acts or parts of Acts in conflict with the provisions of this
2 Act are hereby repealed.

-
- 1 Introduced by Mr. Lane, by request, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

A BILL

For an Act to regulate and limit the hours of employment of females in any manufacturing, mercantile, or mechanical establishment, laundry, hotel or restaurant, in order to safeguard the health of such employes; to provide for its enforcement and a penalty for its violation.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no female shall be employed in any manufacturing, mercantile or mechanical establishment, laundry, hotel or restaurant in this State more than eight hours during any one day of 24 hours nor more than 48 hours in any one week of 6 calendar days.

Sec. 2. Any employer who shall require any female to work in any of the places mentioned in section 1 of this Act, more than the number of hours provided for in this Act, during any day of 24 hours, or who shall fail, neglect

4 or refuse so to arrange the work of females in his employ that they shall not
5 work more than the number of hours provided for in this Act, during any one
6 day or week; or who shall permit or suffer any overseer, superintendent or
7 other agent of such employer to violate any of the provisions of this Act, shall
8 be guilty of a misdemeanor and upon conviction thereof shall be fined for each
9 offense in a sum of not less than \$25.00 or more than \$100.

Sec. 3. The State Department of Factory Inspection shall be charged with
2 the duty of enforcing the provisions of this Act and prosecuting all violations
3 thereof.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Lantz, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act prohibiting the making or publishing of false or exaggerated statements or publications of or concerning the affairs, pecuniary condition or property of any corporation, joint stock association, co-partnership or individual, with the intent to give or which shall have a tendency to give a lesser or greater apparent value to the shares, bonds, or property, or any part thereof, of said corporation, joint stock association, co-partnership or individual than such shares, bonds or property shall actually and in fact possess, and providing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That any person who knowingly makes or publishes in any way whatever, or permits to be so made or published, any book, prospectus, notice, report, statement, exhibit or other publication of or concerning the affairs, financial condition or property of any corporation, joint

6 stock association, co-partnership or individual, which said book, prospectus,
7 notice, report, statement, exhibit or other publication shall contain any state-
8 ment which is false or wilfully exaggerated, or which is intended to give or
9 which shall have a tendency to give, a less or greater apparent value to the
10 shares, bonds or property of said corporation, joint stock association, co-
11 partnership or individual, or any part of said shares, bonds or property than
12 said shares, bonds or property, or any part thereof, shall really and in fact
13 possess, shall be deemed guilty of a felony, and upon conviction thereof shall
14 be imprisoned for not more than ten years or fined not more than ten thou-
15 sand dollars, or shall suffer both said fine and imprisonment.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby
2 repealed.

- 1 Introduced by Mr. McConnell, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to remove overhead trolley wires and to place them under ground in cities of ten thousand inhabitants and over, and to provide a penalty for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That in all cities of ten thousand inhabitants and
3 over, any person, firm or corporation owning, constructing, using and main-
4 taining any line of electric railroad in which the electrical current to propel
5 the cars upon the same is derived or taken from an overhead trolley wire
6 shall construct and lay such trolley wire under ground within the limits of
7 said city.

Sec. 2. Every person, firm or corporation owning, using, maintaining or
2 controlling any line of electric railroad in which the electrical current is taken

3 from an overhead trolley or feed wire shall, in cities having a population of
4 more than ten thousand inhabitants on or before the first day of July, 1909,
5 have the said trolley or feed wire removed from the surface of all streets,
6 alleys and avenues in such cities.

Sec. 3. Any person, firm or corporation who shall fail or neglect to com-
2 ply with the provisions of this Act shall be deemed guilty of a misdemeanor,
3 and upon conviction thereof shall be punished by a fine of not less than one
4 hundred dollars nor more than one thousand dollars.

Sec. 4. All Acts and parts of Acts in conflict herewith are hereby re-
2 pealed.

-
- 1 Introduced by Mr. McConnell, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act providing for the safety of passengers at elevated railroad stations.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That at all elevated railroad stations it shall be the
3 duty of the company operating such elevated railroad to erect and maintain
4 at each station an iron railing or guard at and along the entire length of the
5 platform, not more than six inches from the edge of said platform abutting
6 upon the tracks of said elevated road, and that there be entrances through
7 such guard or railings at car length intervals sufficient to enable passengers to
8 enter each car in single file.

Sec. 2. It shall be unlawful for any elevated railroad company to operate
2 and run its trains past any elevated railroad stations at a less distance than
3 twenty-five feet apart.

Sec. 3. Any elevated railroad company failing to comply with the provisions of section 1 of this Act or violate section 2 of this Act shall be guilty of a misdemeanor, and shall be liable to a fine of \$500.00 for each offense, and each day that such failure to comply with section 1 thereof exists shall constitute a separate offense, and such fine shall be recovered in any court of competent jurisdiction in any proper civil or criminal action.

- 1 Introduced by Mr. McGuire, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to provide for refunding of ratable premiums by fire and marine insurance companies, and prescribing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whenever any person, firm or corporation
3 hereinafter designated the "insured," who has paid for and received a policy
4 of insurance from any company, partnership, association or individuals, here-
5 inafter designated the "company," incorporated or organized under the laws of
6 the State of Illinois, or under the laws of any other state of the United States,
7 or any foreign government, transacting the business of fire or marine insur-
8 ance, shall cancel said policy such company shall refund to the insured the same
9 ratable proportion of the premium for the unexpired term of the policy as it
10 would have refunded should such company of its own violation and by its own
11 voluntary act have canceled said policy.

Sec. 2. Any company, partnership, association or individuals, as provided
2 in section 1 hereof, who shall violate the provisions of this Act shall be pun-
3 ished by a fine of not less than ten (\$10.00) dollars, nor more than fifty (\$50.00)
4 dollars, for each violation.

-
- 1 Introduced by Mr. McLaughlin, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

For an Act to amend an Act entitled "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, and as amended April 26, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," be amended to read as follows:

6 Sec. 1. That the Department of Agriculture, for the promotion of agri-
7 culture and horticulture, manufactures and domestic arts, shall be continued
8 and shall be managed by a board to be styled "State Board of Agriculture."

9 to consist of a president and one vice president from each congressional dis-
10 trict of the State, and of the last ex-president of the State Board of Agricul-
11 ture, said president and vice president to be elected on the fair grounds on
12 Wednesday of the annual State fair in 1884, and every two years thereafter
13 on Wednesday of the week of the State fair by delegates or alternates or
14 their written proxies, chosen by the several agricultural societies in counties
15 where such societies exist, in the following manner, to-wit: In counties having
16 one agricultural society, such society may appoint three delegates; in counties
17 having two agricultural societies, each society may appoint one delegate, who
18 shall be entitled to one and one-half votes; in counties having three agricul-
19 tural societies, each society may appoint one delegate, and if either society
20 shall neglect or refuse to appoint such delegate, the delegate or delegates ap-
21 pointed shall be entitled to cast the full vote of the county; and in counties
22 where no agricultural exists, the delegates may be appointed by the board of
23 supervisors or county board, as the case may be; each county may be entitled
24 to three votes, and no more, and each union or district agricultural society
25 shall be accredited to that county in which its fair grounds, or the greater part
26 thereof, shall be located. The members of the State Board of Agriculture shall
27 enter upon the duties of their office on the second Tuesday of January suc-
28 ceeding their election, and hold their office for two years and until their suc-
29 cessors are elected and enter upon their duties. The State Board of Agricul-
30 ture may fill any vacancy arising from any cause, by appointment from the
31 district in which the vacancy occurs. *No person shall be eligible to hold the*
32 *position of member of the State Board of Agriculture who does not live or is*
33 *not a legal resident in the district which he represents, and the members of the*
34 *State Board of Agriculture shall fill any vacancy at its first meeting arising*
35 *in the district in which the vacancy occurs.*

- 1 Introduced by Mr. McNichols, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs.

A BILL

For an Act to amend section 1 of an Act entitled “An Act to regulate the employment of children in the State of Illinois, and to provide for the enforcement thereof,” approved May 15, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act to regulate the employment of children in the State of Illinois, and to provide for the enforcement thereof,” be amended so as to read as follows:

5 Sec. 1. CHILD UNDER FOURTEEN YEARS.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That no child under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation in any theatre, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel,

10 laundry, manufacturing establishment, bowling alley, passenger or freight ele-
11 vator, factory or workshop, or as a messenger or driver therefor, within this
12 State. That no child under fourteen years of age shall be employed at any
13 work performed for wages or other compensation, to whomsoever payable,
14 during any portion of any month when the public schools of the town, town-
15 ship, village or city in which he or she resides are in session, nor be employed
16 at any work before the hour of seven o'clock in the morning or after the hour
17 of six o'clock in the evening: *Provided*, that no child shall be allowed to work
18 more than eight hours in any one day: *And, provided, further*, that nothing in
19 this Act contained shall be construed to hinder or prevent any child from
20 taking part in a dramatic or theatrical entertainment or rehearsal for the same,
21 for compensation, before or after the hour of seven o'clock in the evening,
22 with the consent of his or her parent or parents or guardian, or if he or she
23 have no parent or parents or guardian in this State, of the mayor of the city
24 or president of the board of the city or village wherein such dramatic or
25 theatrical entertainment is being presented: *And, provided, further*, that it
26 shall be unlawful for any theatrical manager or agent or other person to em-
27 ploy any child under the age of fourteen years for, or to permit any such child
28 to appear in, any play or exhibition as a rope or wire walker, wrestler, contor-
29 tionist or acrobat, or in any capacity in any indecent or immoral exhibition or
30 play, or in any play or exhibition in any place where intoxicating liquor is sold.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

- 1 Introduced by Mr. Wm. Murphy, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to regulate the business of transmitting communications by telegraph from one place to another within the State of Illinois, and charging toll therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Telegraph companies engaged in the business of transmitting communications by telegraph from one place to another within the State of Illinois, and charging tolls therefor shall show conspicuously on each and every telegram delivered, the time such telegram was filed for transmission and the time it was received at the office from which it is to be delivered.

Sec. 2. The time of filing the telegram at place of origin and the time received at destination of each and every telegram transmitted as provided in section one (1) shall appear on each and every telegram under the captions "time filed" and "time received," without cost to the sender or receiver of such telegram.

Sec. 3. Failure to comply with the provisions of sections one and two of
2 this Act shall be punishable by a fine of not less than ten dollars (\$10.00) nor
3 more than two hundred dollars (\$200.00) for each and every telegram de-
4 livered in violation of the provisions of said sections one and two.

Sec. 4. WHEREAS, An emergency exists, this Act shall be in force and effect
2 from and after its passage.

- 1 Introduced by Mr. O'Brien, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act amending section two (2) of an Act entitled "An Act to prohibit the use of clock, tape, slot or other machines or devices for gambling purposes," approved and in force June 21, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled "An Act to prohibit the use of clock, tape, slot or other machines or devices for gambling purposes," approved and in force June 21, 1895, be and the same is hereby amended to read as follows:

Sec. 2. Every clock, tape machine, slot machine or other mechanical machine or device for the reception of money or tokens, and upon the action or result of which money or merchandise is staked, hazarded, bet. won or lost, and in which is involved any element of chance, shall be declared a gambling

10. device and shall be subject to seizure, confiscation and destruction by any
11. municipal or other local authority within whose jurisdiction the same may be
12. found, and any person having in his possession any such device for the pur-
13. pose of operating the same, or for the sale or lease to others for the purpose
14. of operation, shall be deemed guilty of a misdemeanor and shall, upon con-
15. viction, be fined in a sum not less than \$100 nor more than \$200, or confined
16. in the county jail not to exceed one year, and for the second offense shall be
17. fined not less than \$500, and shall be confined in the penitentiary not less than
18. two (2) years nor more than four (4) years.

- 1 Introduced by Mr. Parker, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries.

A BILL

For an Act to amend an Act entitled “An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,” approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, and in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section nineteen (19) of “An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto,” approved March 29, 1872, and in force July 1, 1872, as amended by an Act approved March 28, 1874, and in force July 1, 1874, be amended so as to read as follows:

7 Sec. 19. IN COUNTIES OF FIRST, SECOND AND THIRD CLASS.] The
8 fees of sheriffs in counties of the first and second class shall be
9 as follows:

10 For serving a writ or summons on each defendant, in counties of the first
11 class, seventy-five cents; in counties of the second class, sixty-five cents.

12 For serving chancery summons and copy, or writ of injunction and copy,
13 in counties of the first class, one dollar; second class, seventy-five cents.

14 For taking special bail, twenty-five cents in each county.

15 For serving a subpoena on each witness, in counties of first class, fifty
16 cents; second class, thirty-five cents.

17 For advertising property for sale, seventy-five cents.

18 For returning each writ or other process, ten cents. Mileage for each
19 mile of necessary travel to serve any such writ or process as aforesaid, calcu-
20 lating from the place of holding the court to the place of residence of the de-
21 fendant or witness, five cents each way.

22 For summoning each juror, in counties of first class, fifty cents; second
23 class, thirty cents, with five cents mileage each way in all counties.

24 For serving notice of executions, or levying an execution or serving an
25 attachment, in counties of first class, seventy-five cents; in second class, sixty-
26 five cents, and mileage five cents each way in all counties.

27 For taking possession of and removing property levied on, the officer
28 shall be allowed to tax the actual costs of such possession or removal.

29 For serving and returning a *scire facias* to revive a judgment, foreclose
30 a mortgage, or against bail, in counties of first class, seventy-five cents; in sec-
31 ond class, sixty-five cents.

32 For committing each prisoner to jail, in counties of first class, fifty cents;
33 second class, fifty cents.

34 For discharging each prisoner from jail, in counties of first and second
35 class, fifty cents.

36 For dieting each prisoner, such compensation to cover the actual costs as
37 may be fixed by the county board, but such compensation shall not be con-
38 sidered a part of the fees of the office.

39 For attending before a judge with a prisoner, on a writ of *habeas corpus*,
40 in counties of first and second class, two dollars and fifty cents per day.

41 For each mile of travel necessary in taking such prisoner before the judge
42 as aforesaid, five cents each way.

43 For serving a writ of possession, with the aid of *posse comitatus*, two
44 dollars.

45 For serving same, without such aid, one dollar; mileage in either case for
46 each mile of necessary travel, five cents each way.

47 For executing a writ of *ad quod damnum*, attending the inquest and re-
48 turning the writ with the verdict of the jury, two dollars.

49 *For attending the circuit and county courts, and for attending the county*
50 *court sitting for probate business at request of the judge, the time to be certi-*
51 *fied to by the judge, not more than four dollars per day, to be allowed and*
52 *paid out of the county treasury.*

53 For executing and acknowledging a deed on sale of real estate, in counties
54 of first class, one dollar and fifty cents; second class, one dollar and twenty-
55 five cents.

56 For making certificate of sale, and making filing duplicate, in counties of
57 first class, for each, sixty cents; second class, fifty cents.

58 For making certificate of redemption, seventy-five cents.

59 For certificate of levy and filing, fifty cents, and the fee for recording
60 shall be advanced by plaintiff in execution and charged up as cost.

61 For taking all bonds on legal process, in counties of first class, seventy-
62 five cents; second class, sixty-five cents.

63 For executing *capias* in criminal cause, where the offense is infamous,
64 three dollars, and mileage for each mile of necessary travel, five cents each
65 way.

66 For executing *capias* where offense is not infamous, in counties of first
 67 class, seventy-five cents; second class, sixty-five cents. Mileage for each mile
 68 of necessary travel, five cents each way.

69 For executing requisitions from other states, the same compensation as in
 70 executing *capias* in criminal causes, when the offense is infamous.

71 For conveying each prisoner from his own county to the jail of a foreign
 72 county per mile, for going, only, twenty-five cents.

73 For committing each prisoner to jail under the laws of the United States,
 74 to be paid by the marshal or other person requiring his confinement, fifty cents
 75 in all counties.

76 For dieting such prisoner, per day, in counties of first class, seventy-
 77 five cents; in second class, sixty-five cents, to be paid by the marshal or other
 78 person requiring his confinement.

79 For discharging such prisoners, in counties of first and second class, fifty
 80 cents.

81 For carrying convicts to the penitentiary or reform school, from any
 82 county, the following fees, payable out of the State treasury, viz: Where only
 83 one convict is conveyed at and after the rate of twenty-five cents for each and
 84 every mile necessarily traveled in going to the penitentiary or the reform
 85 school from the place of conviction. Where two convicts are conveyed by said
 86 sheriff at the same time, he shall receive at and after the rate of twenty-five
 87 cents per mile for first, and fifteen cents per mile for the second convict. Where
 88 more than two are conveyed at the same time to the penitentiary or reform
 89 school as aforesaid, he shall be allowed twenty-five cents per mile for the first,
 90 fifteen cents per mile for the second, and ten cents per mile for each of the
 91 residue.

92 For conveying any person to or from any of the charitable institutions
 93 of the State, when properly committed by some competent authority, twenty-
 94 five cents per mile.

95 For conveying a convict from the penitentiary to the county jail when re-
 96 quired by law, thirty cents per mile.

97 For attending supreme court, three dollars per day.

98 In addition to the above fees, there shall be allowed to the sheriffs in the
 99 counties of the first and second class, a commission of 3 per centum on all
 100 sales of real and personal estate, which shall be made by virtue of any exe-
 101 cution or any decree of a court of chancery, where the money arising from
 102 such sales shall not exceed two hundred dollars; but in all cases where the
 103 amounts of such sale shall exceed that sum, one and one-half per cent commis-
 104 sion on the excess shall be allowed: *Provided*, that in all cases where the exe-
 105 cution shall be settled by the parties, replevied, stopped by injunction or paid,
 106 or where the property levied upon shall not be actually sold, the sheriff shall be
 107 allowed his fee for levying and mileage, together with half the commission on
 108 all money collected by him which he would be entitled to if the same was made
 109 by sale or execution: except the necessary expenses for keeping personal
 110 property, to be ascertained and allowed by the court out of which the same
 111 shall be issued. In all criminal cases where the defendant shall be acquitted
 112 or otherwise legally discharged, without payment of cost, the sheriff shall be
 113 paid such fees from the county treasury: *Provided*, that no such fees shall be
 114 paid to the sheriff from the county treasury when the fees collected by him
 115 during such year shall equal the compensation or salary allowed by him: *And*,
 116 *provided, further*, that no more of such fees shall in any case be paid from the
 117 county treasury than shall be sufficient, with the fees collected, to make the
 118 salary or compensation of said sheriff. In all cases where any of the sheriffs
 119 of this State shall be required by law to execute any sentence of punishment
 120 other than imprisonment, for which no fee is allowed by this Act, it shall be
 121 the duty of the county board of the proper county to allow a reasonable com-
 122 pensation for the same, to be paid out of the county treasury, not exceeding

123 one hundred dollars. It shall be the duty of each sheriff entitled to mileage
124 under this Act, to endorse on each writ, summons, subpœna or other process
125 that he may execute the distance he may travel to execute the same, ascertaining
126 the distance and the charge properly allowable therefor, in conformity with
127 the foregoing regulations. (As amended by Act approved May 16, 1905. In
128 force July 1, 1905. L. 1905, p. 266; Legal News Ed. p. 212.)

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- 1 Introduced by Mr. Scanlan, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend an Act entitled, "An Act to revise the law in relation to records," approved March 9, 1874, in force July 1, 1874, by adding thereto two new sections to be known as sections 12a and 12b.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to revise the law in relation to records," approved March 9, 1874, in force July 1, 1874, be and the same is hereby amended by adding thereto two new sections to be known as sections 12a and 12b, to read as follows:

Sec. 12a. Every recorder of deeds shall keep, in addition to the books he is now required to keep, the following book:

A mortgagee's index, in which he shall enter all mortgages and trust deeds filed for record between the first day of April, 1909 and the first day of April

10 1910, and annually thereafter, giving the name of the mortgagee or trustee,
11 place of residence, the name of the mortgagor, date of instrument, date of
12 filing, consideration, number of notes, secured by the instrument and time of
13 payment of each note, the book and page in which it is recorded and a brief
14 description of the premises or property conveyed, and when released in full
15 or in part, the recorder shall note the date of cancellation on the index opposite
16 the entry of such mortgage or trust deed.

17 Sec. 12b. The mortgage index prepared by the recorder shall be furnished
18 to the supervisor of assessments, county assessor or board of assessors, as the
19 case may be, on or before the 15th day of April annually, to assist them in
20 the proper discharge of their duties and shall be returned by them to the re-
21 corder within five days after the final adjournment of the board of review.

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- 1 Introduced by Mr. Scanlan, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend an Act entitled “An Act to provide for the disposal of unclaimed moneys in the hands of administrators and executors,” approved May 12, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled “An Act to provide for the disposal of unclaimed moneys in the hands of administrators and executors,” approved May 12, 1877, in force July 1, 1877, be and the same is hereby amended so as to read as follows:

6 Sec. 1. That when any administrator or executor shall have made final
7 settlement with the county court or the probate court, it shall be the duty of the
8 court to order said administrator or executor to deposit with the county treasurer
9 such moneys as he may have belonging to any non-resident or unknown

10 heir or claimant, directing said county treasurer to hold such moneys subject
11 to the order of the court, taking his receipt therefor and have the same filed at
12 the office of the clerk of the court where such settlement has been made.

13 Sec. 2. When money shall be deposited as aforesaid, the person or persons
14 entitled to the same, or the person to whom letters of administration shall be
15 granted upon the estate of any person entitled to the same, may at any time
16 apply to the court making said order, and obtain the same upon making satis-
17 factory proof to the court of his, her or their rights thereto: *Provided*, in
18 every case where the person or persons entitled to receive the money, or for
19 whose account the money was deposited in the county treasury, shall have died
20 or been found missing for more than seven consecutive years, and full and
21 satisfactory proof shall be made to the court of the death of such person, and
22 letters of administration shall be granted upon the estate of such deceased
23 person, and the moneys deposited as aforesaid be ordered paid to such ad-
24 ministrator, the payments of money and delivery of property by the county
25 treasurer to the administrator shall be a bar to all action or claim of such absent
26 person, his heirs or assigns against the person or persons so paying or deliver-
27 ing thereof.

-
- 1 Introduced by Mr. Schumacher, March 31, 1909.
 - 2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act authorizing and empowering fraternal beneficiary societies now organized and existing, or hereafter organized, under and by virtue of the laws of the State of Illinois, or any such society organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to create, maintain and operate for the benefit of its sick, disabled or distressed members and their families and dependents, hospitals, asylums and sanitariums.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be lawful for any fraternal beneficiary society now organized and existing or hereafter organized under and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to by virtue of the laws of the State of Illinois, or any such society organized

7 create, maintain and operate, for the benefit of its sick, disabled or distressed
8 members and their families and dependents, out of its general or expense
9 fund, and from any voluntary contributions it may receive therefor, hospitals,
10 asylums or sanitariums, and for such purpose any such society may own, hold
11 or lease personal property or real property located within or without this
12 State, with necessary buildings thereon: *Provided*, that the amount of the
13 general and expense fund to be expended, as herein provided, shall not exceed
14 such amounts as shall have been or shall be, from time to time, authorized
15 by the legislative or supreme governing body of such society, and in no event
16 to exceed a sum equal to twenty cents (20 cents) per year per member in good
17 standing in any such society, on January 1st of such year: *Provided, further*,
18 that maintenance, treatment and proper attendance in any such hospital, asy-
19 lum or sanitarium may be furnished free, or a reasonable charge may be made
20 therefor, but no such hospital, asylum or sanitarium shall be operated for
21 profit: *Provided, further*, that no part of the cost or expense of creating,
22 maintaining or operating any such hospital, asylum or sanitarium shall be de-
23 frayed or paid out of the mortuary, sick, disability or benefit funds of any
24 such society: *And, provided, further*, that any fraternal beneficiary society
25 which shall maintain and operate any such hospitals, asylums or sanitariums
26 under the provisions of this Act shall not be subject to, or in any way re-
27 stricted by, the provisions of an Act entitled, "An Act empowering frater-
28 nal beneficiary societies organized and existing under and by virtue of the laws
29 of the State of Illinois, to create, maintain and operate as a part of their
30 organization, a department for the purpose of providing and furnishing to
31 their sick, disabled and distressed members and their families, free medical,
32 home sanitarium and hospital service and treatment, and other material aid
33 and assistance, and to create, maintain and disburse for such purposes, a trust
34 fund to be raised by and from voluntary contributions, and declaring such de-
35 partments to be charitable institutions, and competent as such to be named, and

36 to take, as beneficiary by its members in certain cases," approved May 20,
37 1907, in force July 1, 1907.

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take
2 effect from and after its passage.

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- 1 Introduced by Mr. Stearns, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or corpo-
3 ration to carry on, engage in or conduct, the business of storing perishable
4 food, or keep, maintain or operate a cold storage warehouse where meats, fish,
5 eggs, poultry, game, fruits, farm or garden produce, or other perishable food
6 stuffs, are stored within the limits of any incorporated city or village in this
7 State without first having obtained a license for such business, as herein-
8 after provided.

Sec. 2. Any person or corporation desiring to carry on, engage in or con-
2 duct the business of storing perishable food or to keep, maintain or operate a
3 cold storage warehouse where meats, fish, eggs, poultry, game, fruits, farm or

4 garden produce, or other perishable food stuffs are stored, shall make applica-
5 tion in writing to the mayor or president of the board of trustees for that pur-
6 pose, in which application shall be described the location at which said busi-
7 ness is proposed to be carried on. Such application shall be accompanied by
8 a report or certificate from the commissioner of health of any city or village
9 where such officer may exist, and in such cities or villages having no commis-
10 sioner of health or any officer performing the duties of such commissioner, then
11 such application shall be accompanied by a certificate or report from the State
12 Board of Health, stating whether the place in which such applicant proposes to
13 carry on such business is in a sanitary condition and is a fit place in which to
14 carry on such business. If such report shall be to the effect that such place is
15 a fit place and in a sanitary condition in which to carry on said business the
16 mayor or president of the board of trustees shall cause to be issued to such ap-
17 plicant a license, authorizing such applicant to carry on the said business for
18 and during the period for which said license shall be issued upon payment by
19 such applicant to the proper authorities of any such incorporated city or village
20 of a license fee of five hundred dollars (\$500) annually, and the filing of a bond
21 running to the incorporated city or village as the case may be, with at least two
22 sureties to be approved by the mayor or president of the board of trustees in
23 the sum of ten thousand dollars (\$10,000), conditioned that such licensed person
24 or corporation shall faithfully observe and obey all the laws of the State of
25 Illinois and the ordinances of such incorporated city or village as the case may
26 be, now in force or which may hereafter be passed with reference to such busi-
27 ness.

Sec. 3. Whenever any meats, fish, eggs, poultry, game, fruits, farm or garden
2 produce or perishable food stuffs of any kind or character are placed in stor-
3 age at such cold storage warehouse, each package, box, bale, barrel, tub or
4 other receptacle in which such articles of food are packed shall be plainly
5 stamped with a stamp showing the date that such articles of food were placed

6 in said cold storage warehouse. Such stamp shall not be removed, defaced,
7 altered or destroyed at any time while said articles of food remain in said re-
8 ceptacle, nor shall said articles of food be removed or transferred from a
9 receptacle so stamped to another while the said articles of food remain in said
10 cold storage warehouse, nor shall the said articles of food be removed to an-
11 other cold storage warehouse except upon the written permission of the commis-
12 sioner of health of any city or village where such officers may exist, and in
13 such cities or villages having no commissioner of health or any officer perform-
14 ing the duties of such commissioner, then such permission shall be obtained
15 from the State Board of Health, or do anything which shall cause the stamp so
16 affixed to a receptacle containing such articles of food to indicate a different
17 date from the one on which the said articles of food were first placed in a
18 cold storage warehouse, shall be subject to the penalty hereinafter pro-
19 vided for.

Sec. 4. It shall be unlawful to place in such cold storage warehouse any
2 poultry or fowl of any kind in an undrawn condition or with the entrails left
3 therein.

Sec. 5. It shall be unlawful for any person, persons, firm or corporation
2 to sell, offer or expose for sale any meats, fish, eggs, poultry, game, fruits, farm
3 or garden produce or other perishable food stuff placed in cold storage or re-
4 moved or taken from any cold storage warehouse unless each package, box,
5 barrel, tub, or other receptacle in which the aforementioned articles of food are
6 contained and packed, and sold or offered or exposed for sale or from which
7 such package, box, barrel, tub, or other receptacle from which such aforemen-
8 tioned articles of food are sold, offered or exposed for sale, shall be plainly
9 stamped with the stamp of every such warehouse where such aforementioned
10 articles of food have been stored showing the date that such aforementioned
11 articles of food were placed in such cold storage warehouse.

Sec. 6. It shall be unlawful for any person, persons, firm or corporation to
2 have in its possession with the intention of selling, or offering or exposing for
3 sale any package, box, bale, barrel, tub, or other receptacle, in which any meats,
4 fish, eggs, poultry, game, fruits, farm or garden produce, or other perishable
5 food stuffs are packed or contained and which have been taken or removed from
6 any cold storage warehouse where the stamp showing the date such articles of
7 food were placed in any such cold storage warehouse has been removed, de-
8 faced, altered, or destroyed, or is not plainly legible.

Sec. 7. Whenever any meats, fish, eggs, poultry, game, fruits, farm or
2 garden produce or other perishable food stuffs have been retained for a period
3 of six months, notice shall be given within five days thereafter to the commis-
4 sioner of health of any such city or village where such officer may exist and in
5 such cities or villages having no commissioner of health or any officer perform-
6 ing the duties of such commissioner, then to the State Board of Health, by the
7 owner, manager, superintendent or person in charge of such cold storage ware-
8 house, and thereupon it shall be the duty of said commissioner of health
9 of any such city or village where such officer may exist and in such cities or
10 villages having no commissioner of health or any officer performing the duties
11 of such commissioner, it shall be the duty of the State Board of Health to
12 cause such food stuffs to be inspected, and in case they are found upon in-
13 spection to be fit for use, such food stuffs may be sold, with the consent of
14 the owner of the same, to the highest bidder for immediate consumption, the
15 proceeds of such sale to go to the owner thereof; but if such owner refuses
16 to allow such food stuffs to be sold in the manner aforesaid, then it shall be
17 within the discretion of the commissioner of health or State Board of Health,
18 as the case may be, to condemn the same at once, or permit it to be retained
19 in such cold storage warehouse for a limited time, to be fixed by him or it, at
20 his or its discretion, at the end of which time it shall be condemned as unfit
21 for use.

Sec. 8. Every keeper of a cold storage warehouse shall allow the commissioner of health or the State Board of Health, as the case may be, and all other duly authorized employes of any such department of health or State Board of Health to fully and freely inspect all such articles of food so stored, and shall answer all reasonable and proper questions asked by such officers or employes relating to the condition and age of such articles of food, and said articles of food shall be subject to condemnation and destruction in like manner as all other unwholesome or decayed food as provided for by the health ordinances of any such city or village and the health laws of this State, and the discretion of the health officers of any such city or village or of the State Board of Health, in regard to such food so stored, shall be the same as their discretion in regard to all other foods, as provided for by the ordinances of any such city or village relating thereto, or the laws of the State of Illinois likewise thereto relating.

Sec. 9. Any person, persons, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) for each offense.

- 1 Introduced by Mr. Sullivan, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to remove overhead wires and to place them under ground, in cities of fifty thousand inhabitants and over, and to provide penalties for the violation of this provision.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in all cities of fifty thousand inhabitants and over, any person, company or corporation owning, constructing, using and maintaining any line or lines of wire used for the transmission of electricity, or upon which there is any electric current, shall construct and lay such wires or lines of electrical conductors under ground, within the limits of said city.

Sec. 2. All telegraph, telephonic, electric light and power wires, and any wires or cables, used as conductors of electricity in any city of this State hav-

3 ing a population of fifty thousand people or more, shall hereafter be placed
4 under the surface of the streets, alleys and avenues of such city.

Sec. 3. Every person, company or corporation owning, using, maintain-
2 ing or controlling any telegraph, telephonic, electric light and power wires, and
3 any wires or cables used as conductors of electricity, including any poles, cross
4 arms, brackets or appurtenances thereto, shall, before the first day of July,
5 1909, have the same removed from the surface of all streets, alleys and
6 avenues, in all cities of fifty thousand inhabitants and over.

Sec. 4. Any person, company or corporation who shall fail or neglect to
2 comply with the provisions of this Act, shall be deemed guilty of a misde-
3 meanor, and upon conviction thereof, shall be punished by a fine of not less
4 than one hundred dollars nor more than one thousand dollars.

Sec. 5. All Acts and parts of Acts in conflict herewith are hereby
2 repealed.

- 1 Introduced by Mr. Walsh, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prohibit the use of coloring matter in the manufacture of sausage.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Whoever, in the manufacture of sausages, uses any
3 coloring matter injurious to health, shall be punished by a fine of not more than
4 one hundred dollars for the first offense, two hundred dollars for second of-
5 fense and for any additional offense, the sum of five hundred dollars and im-
6 prisonment in county jail for one year.

-
- 1 Introduced by Mr. Werdell, by request, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to amend section 10 of an Act entitled, "An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition by like means of territory so created," approved May 16, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 10 of an Act entitled, "An Act to
3 provide for the creation by popular vote of anti-saloon territory within which
4 the sale of intoxicating liquor and the licensing of such sale shall be prohib-
5 ited, and for the abolition by like means of territory so created," approved
6 May 16, 1907, in force July 1, 1907, be and the same is hereby amended so
7 as to read as follows:

8 A vote under the provisions of this Act in and for any political subdivi-
9 sion upon the proposition "Shall this.....become anti-saloon
10 territory?" or in and for any political subdivision or district upon the propo-
11 sition "Shall this.....(political subdivision or district) con-
12 tinue to be anti-saloon territory" shall be a bar to the submission to the voters
13 thereof of either of such propositions as applied to that identical political sub-
14 division or district only, until after the lapse of eighteen months.

15 *Nothing in this Act* contained shall be construed to prevent any political
16 subdivision or district located wholly or partially within another political sub-
17 division or district from submitting either of such propositions, as the case
18 may be, to its voters eighteen months after either of such propositions has
19 been submitted in either of such political subdivisions or districts.

Sec. 2. Any and all provisions contained in said Act, approved May 16,
2 1907, in force July 1, 1907, in conflict with the provisions in this Act, are here-
3 by repealed.

1 Introduced by Mr. York, March 31, 1909.

2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to amend sections one (1) and two (2) of an Act entitled “An Act for the purpose of compelling oil or gas leases when forfeited, to be released of record and providing a penalty therefor,” approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one (1) and two (2) of an Act entitled
3 “An Act for the purpose of compelling oil and gas leases, when forfeited, to be
4 released of record and providing a penalty therefor,” approved May 27, 1907,
5 in force July 1, 1907, be amended so as to read as follows:

6 Sec. 1. When any lease on land heretofore or hereafter taken for the pur-
7 pose of prospecting for *coal*, oil or natural gas or operating *coal mines*, oil or
8 gas wells upon lands so leased, shall become forfeited by the terms of said lease

9 or the acts of the lessee, it shall be the duty of the lessee, his, her or their suc-
10 cessors or assigns within sixty days from the date this Act shall take effect, if
11 such forfeiture take effect prior thereto, and within sixty days from the date
12 of forfeiture of any and all other leases, to have such lease or leases released
13 of record in the county where such land is situated, without any cost to the
14 owner or owners of the land; and any failure so to do shall constitute a mis-
15 demeanor and shall subject the offender to a fine of not more than two hundred
16 dollars.

17 Sec. 2. Whenever the leases of any *coal*, oil or natural gas lands or the per-
18 son, firm, company or corporation, owning, holding or having control of any
19 such lease shall allow the same to become forfeited, or by his, her or their acts
20 shall forfeit the same, and shall refuse, fail or neglect to cause the same to be
21 released of record, the lessor or owner of said lands, may bring a civil action
22 to compel said party to release the same of record and upon judgment being
23 rendered decreeing said lease forfeited and directing the release, the said lessee,
24 or his assigns, shall be decreed to pay all costs by such action, including a rea-
25 sonable attorney fee to be taxed as costs.

- 1 Introduced by Mr. York, March 31, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to prevent foreign insurance corporations doing business in the State of Illinois from writing contracts or assuming liabilities, which cannot be written or assumed by like corporations organized under the laws of this State.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no foreign insurance corporation, doing busi-
3 ness in the State of Illinois, shall hereafter be permitted to write in this State,
4 any contract of insurance or assume any liability which can not be written or
5 assumed by a similar corporation organized under the laws of the State of Illi-
6 nois.

-
- 1 Introduced by Mr. York, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Claims.

A BILL

For an Act to appropriate five thousand dollars (\$5,000) for the relief of Mrs. Emma
Grimes.

WHEREAS, Royston Grimes, of Saline county, Illinois, was killed by a fall
2 from a scaffold, while employed as a master mechanic at the State Hospital for
3 the Criminal Insane at Chester, Illinois, on or about the 19th of February, 1908:
4 and

5 WHEREAS, He left surviving him, Emma Grimes, his widow, and six minor
6 children under the age of sixteen years and his family being in destitute cir-
7 cumstances; and

8 WHEREAS, The said widow and children are worthy people; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* That the sum of five thousand dollars (\$5,000) be

3 and is hereby appropriated to the said Emma Grimes for the relief of her and
4 said children.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant on the State Treasurer of the State of Illinois for the sum of five
3 thousand dollars (\$5,000) hereby appropriated, payable to the order of the
4 said Emma Grimes.

AMENDMENT TO

46th Assem.

HOUSE—No. 472

May 1909

AMENDMENT NO. 1.

Amend by striking out the words and figures “\$5,000” in the title of the bill and wherever they may occur throughout the bill and insert in lieu thereof the words and figures “\$2,500.”

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- 1 Introduced by Mr. Zinger, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act to amend section two of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by Act approved May 18, 1905, in force July 1, 1905, as amended by Act approved May 28, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section two of an Act entitled, "An Act for
3 the protection of game, wild fowl and birds, and to repeal certain Acts relat-
4 ing thereto," approved April 28, 1903, in force July 1, 1903, as amended by Act
5 approved May 18, 1905, in force July 1, 1905, as amended by Act approved
6 May 28, 1907, in force July 1, 1907, be and the same is hereby amended so as
7 to read as follows:

8 Sec. 2. It shall be unlawful for any person to buy, sell or have in his poses-
9 sion any of the animals, wild fowl or birds mentioned in section 1 of this Act
10 at any time when the killing, trapping, netting and ensnaring of such animals,
11 wild fowl or birds shall be unlawful. And it shall further be unlawful for any
12 person or persons at any time to buy, sell or expose for sale, or to have in
13 his or their possession for the purpose of selling, any quail, pinnated grouse, or
14 prairie chicken, goose, brant, Mexican blue quail, California mountain quail,
15 California valley quail, Hungarian partridge, Capercailzie, heath grouse (black
16 grouse), ruffled grouse or partridge, grey, red fox or black squirrel, or wild tur-
17 key, except that they shall have been imported from other states as hereinafter
18 provided for, and then only between the 1st day of October and the 1st day of
19 February of the following year. And it shall further be unlawful for any per-
20 son, corporation or carrier to receive for transportation, to transport, carry
21 or convey, any of the aforesaid quail, pinnated grouse or prairie chicken, ruf-
22 fled grouse or partridge, squirrel, goose, brant, Mexican blue quail, California
23 mountain quail, California valley quail, Hungarian partridge, Capercailzie,
24 heath grouse (black grouse) or wild turkey that shall have been caught, en-
25 snared, entrapped or killed within the limits of this State, knowing the same
26 has been sold, or to transport, carry or convey the same to any place where
27 it is to be sold or offered for sale, or to any place outside of this State for
28 any purpose, except such person have a license from this State so to do. And
29 any person guilty of violating any of the provisions of this section shall be
30 deemed guilty of a misdemeanor and on conviction thereof, shall be fined not
31 less than twenty-five dollars nor more than one hundred dollars for each and
32 every offense, and shall stand committed to the county jail not exceeding ten
33 days or until such fine and costs are paid: *Provided*, that the buying, sell-
34 ing or exposing for sale, having in possession for sale, transporting or carry-
35 ing and conveying contrary to the provisions of this section, of each and every
36 animal or bird forbidden herein, shall be deemed a separate offense.

- 1 Introduced by Mr. Allison, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.
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CERTAIN ELECTIONS LEGALIZED.

Sec. 1.—Informalities in certain elections remedied.

Sec. 2.—Emergency.

A BILL

For an Act to legalize certain elections held under "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever any city, town or village has held an election to incorporate as a city or village under the general law, and the returns of such election have not been entered upon the records of such village, or the county court showing the canvass of votes and the result of the election,

6 and the canvass of the votes and the result of the election for first officials,
7 and a certified copy of such records filed and recorded in the office of the re-
8 corder of deeds in the county in which such city or village is situated, and
9 filed in the office of the Secretary of State, such elections so held by any city,
10 town or village are hereby declared legal and valid: *Provided*, such returns of
11 such elections are now or shall be made within six months from the date when
12 this Act becomes effective, and certified copies of the same are filed and re-
13 corded as required by section 13 of said Act as amended, to which this Act re-
14 fers, within six months, and all elections of officers and organization of any
15 cities and villages in this State under and by virtue of any such elections, if
16 otherwise according to law are hereby legalized and made effective, and all the
17 acts of said cities and villages are hereby legalized and made effective, and all
18 the acts of any such cities or villages, if otherwise legal, are also hereby made
19 legal and binding; and upon the filing and recording as aforesaid, the Secretary
20 of State shall charter said city or village by his certificate duly authenticated
21 under his hand and the great seal of the State.

Sec. 2. WHEREAS, the records of several of the cities and villages in this
2 State are deficient in the particular set forth in section 1 of this Act, and such
3 cities and villages are without charter and warrant of law to do business,
4 therefore an emergency exists, and this Act shall be in full force from and after
5 its passage.

AMENDMENT TO

46th Assem.

HOUSE—No. 474

April 1909

AMENDMENT NO. 1.

Strike out of lines 17 and 18 of the printed bill the words “and all the acts of any such cities or villages” and the word “also” from said line 18 and insert the word “and” between the word “legal” and the word “are” in said line 18, and the words “in such case” between the word “are” and the words “hereby made” in line 18.

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- 1 Introduced by W. M. Groves, March 31, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent injuries from the mistaken use of gasoline or other inflammable fluids.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That hereafter all kerosene offered for sale in the
3 State of Illinois shall be colored red so that the same may be by its color
4 readily distinguished from gasoline, naptha, benzine or other inflammable
5 fluids; and it shall be unlawful for any person or corporation to sell or offer
6 for sale any kerosene not so colored. Any person or corporation violating the
7 provision of this Act shall be fined not less than ten nor more than one hun-
8 dred dollars for each offense, and be liable for all actual damages occasioned
9 by such violation in favor of any person or corporation thereby injured in per-
10 son or property by reason of the violation of aforesaid.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby re-
2 pealed.

- 1 Introduced by Mr. Abrahams, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to regulate the business of express companies, and to prohibit them from engaging in the business of selling express money orders or bills of exchange.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That no person, company, co-partnership or corporation, or ganized for the purpose of conducting an express business and carrying on such business within the State of Illinois, shall sell or offer for sale at any office or agency, express money orders or bills of exchange.

Sec. 2. Any such person, company, co-partnership or corporation violating the provisions of this Act, upon conviction thereof before any court of competent jurisdiction, shall be fined in the sum of not less than \$100 nor more than \$500 for each offense.

Sec. 3. To enforce the provisions of this Act, all suits brought under the
2 same shall be brought in the name of the People of the State of Illinois, and
3 shall be brought on complaint of any person or persons showing, by affidavit,
4 that any of the provisions of this Act has been violated.

- 1 Introduced by Mr. Adkins, April 1, 1909.
- 2 Read by title, ordered printed and to lie on the Speaker's Table.

A BILL

For an Act to prevent creating a monopoly in the business of buying milk, cream or butter fat for the purpose of manufacture or buying poultry, eggs or grain for the purpose of sale or storage.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any person, firm, company, association or cor-
3 poration, foreign or domestic, doing business in the State of Illinois, and en-
4 gaged in the business of buying milk, cream or butter fat, for the purpose of
5 manufacture or of buying poultry, eggs or grain, for the purpose of sale or
6 storage, that shall for the purpose of creating a monopoly or destroying the
7 business of a competitor, discriminate between different sections, localities,
8 communities, cities or towns of this State, by purchasing such commodity or
9 commodities, at a higher price or rate in one section, locality, community, city
10 or town than is paid for the same commodity by said person, firm, company,

11 association or corporation in another section, locality, community, city or town,
12 after making due allowance for the difference, if any, in the grade or quality
13 and in the actual cost of transportation from the point of purchase to the point
14 of manufacture, sale or storage, shall be deemed guilty of unfair discrimina-
15 tion, which is hereby prohibited and declared to be unlawful and any person,
16 firm, company, association, or corporation or any officer, agent, receiver, or
17 member of any such firm, company, association, or corporation, found guilty of
18 unfair discrimination as defined herein, shall be punished by a fine of not less
19 than \$500 nor more than \$1,000.

AMENDMENT TO

46th Assem.

HOUSE—No. 477

April 1909

AMENDMENT NO. 1.

Amend title of Bill 477 by adding after the word “storage” the following,
“and providing a penalty therefor.”

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- 1 Introduced by Mr. ApMadoe, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to declare certain confidential communications privileged and to regulate their admission in evidence.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no practicing attorney, counselor, physician,
3 surgeon or the stenographer or confidential clerk of any such person, who ob-
4 tains such information by reason of his employment, minister of the gospel,
5 preacher, priest or clergyman of any denomination, creed or cult shall be al-
6 lowed, in giving testimony, to disclose any confidential communication prop-
7 erly intrusted to him in his professional capacity, and necessary and proper to
8 enable him to discharge the functions of his office according to the usual and
9 ordinary course of practice, discipline or spiritual ministration, and such con-
10 fidential communications are hereby declared to be privileged. Such prohibition
11 shall not apply to cases where the party in whose favor the same is made waives
12 the rights conferred.

- 1 Introduced by Mr. Burgett, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

For an Act to amend section one (1) of an Act entitled "An Act to revise the law in relation to the department of agricultural societies, and agricultural fairs and to provide for reports of the same," approved June 23, 1883, and in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the department of agriculture for the promo-
3 tion of agriculture and horticulture, manufactures and the domestic arts shall
4 be continued and shall be managed by a board to be styled the "State Board of
5 Agriculture," to consist of two (2) members from each congressional district in
6 the State; which members shall be elected at the time and for a term as herein-
7 after provided, to-wit: One the first Tuesday after the first Monday in No-
8 vember in 1910, and every four years thereafter, there shall be elected by the
9 legal voters of each odd numbered congressional district in the State two (2)

10 members of the State Board of Agriculture who shall serve for the term of
11 two years or until their successors are elected and duly qualified; and on the
12 first Tuesday after the first Monday in November in 1910 there shall be elected
13 by the legal voters of each even numbered congressional district in the State
14 two (2) members of the State Board of Agriculture who shall serve for the
15 term of two (2) years or until their successors are elected and duly qualified;
16 and on the first Tuesday after the first Monday in November in 1912 and every
17 four years thereafter, there shall be elected by the legal voters of each even
18 numbered congressional district in the State two (2) members of the State
19 Board of Agriculture who shall serve for the term of four (4) years or until
20 their successors are elected and duly qualified. The members of the State
21 Board of Agriculture shall enter upon the duties of their office on the second
22 Tuesday of January succeeding their election and at the first meeting of said
23 board elect one of their members as president, whose term of office shall be
24 for one (1) year, or until his successor is elected and qualified. The State
25 Board of Agriculture may fill any vacancy, arising from any cause, by appoint-
26 ment from the district in which the vacancy occurs.

- 1 Introduced by Mr. Burgett, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act to amend section one of an Act entitled, "An Act relating to nurses and providing for their registration," approved May 2, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section one of an Act entitled "An Act relat-
3 ing to nurses and providing for their registration," approved May 2, 1907, in
4 force July 1, 1907, be and the same is hereby amended to read as follows:

5 Sec. 1. A board to consist of *seven (7)* graduate nurses, and to be known
6 as the State Board of Examiners of Registered Nurses, is hereby created, whose
7 duty it shall be to carry out the purposes and enforce the provisions of this
8 Act. The members of the board shall be appointed by the Governor. At the
9 time of their appointment they must be actual residents of the State. They shall
10 be selected from nurses engaged in active work, who shall have been graduated

11 for at least a period of five years from a reputable training school and who,
12 during their course of training, shall have served for two (2) years in a gen-
13 eral hospital, and who (except those appointed as the first members of the
14 board) shall have been registered under the provisions of this Act. Three (3)
15 members of the board shall be selected from nurses who have had at least two
16 (2) years' experience in educational work among nurses. The members of
17 the board shall be appointed to hold office as follows: One (1) for one (1) year;
18 two (2) for two (2) years; two (2) for three (3) years from July 1, 1907, and
19 two (2) for four (4) years from July 1, 1909. Upon the expiration of the term
20 of office of a member, the Governor shall appoint a successor whose term of office
21 shall be *four* (4) years, and shall fill each vacancy for the unexpired term. Each
22 member of the board shall hold office until a successor is duly appointed.

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- 1 Introduced by Mr. Durfee, April 1, 1909.
 - 2 Read by title, ordered printed and to lie on Speaker's Table.

A BILL

For an Act to repeal an Act entitled, "An Act to authorize mining or manufacturing companies to own and hold shares of the capital stock, and to own and hold securities of railroad companies whose roads shall connect the different plants of such mining or manufacturing companies with each other, or with other railroads or harbors," approved June 11, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled, "An Act authorizing mining
3 or manufacturing companies to own and hold shares of capital stock, and to
4 own and hold securities of railroad companies whose roads shall connect the
5 different plants of such mining and manufacturing companies with each other
6 or with other railroads or harbors," approved June 11, 1897, in force July 1,
7 1897, be, and the same is hereby repealed.

- 1 Introduced by Mr. Erickson, by request, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend section 35 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by an Act approved May 18, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 35 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898, as amended by the Act approved May 18, 1905, be and the same hereby is amended to read as follows:

7 Sec. 35. The board of review shall—
8 *First*—Assess all property subject to assessment which shall not have been
9 assessed by the assessors. The board of review may make such alterations in
10 the description of real or personal property as it shall deem necessary.

11 *Second*—On complaint in writing of any person or corporation that her or
12 its property has been assessed too high, they shall review the assessment and
13 correct the same, as shall appear to be just: *Provided*, such complaint shall
14 have been made on or before the first Monday of August. The board also,
15 upon its own motion, may increase, reduce or otherwise adjust the assessment
16 of any individual or corporation, and shall have full power over the assessment
17 of any individual or corporation, and shall have full power over the assess-
18 ment and may do anything in regard thereto that the assessors might and could
19 originally have done, but no assessment shall be increased until the person or
20 corporation to be affected shall have been notified and given an opportunity
21 to be heard except as hereinafter provided.

22 *Third*—Increase or reduce the entire assessment of either real or personal
23 property, or both, or of any class included therein, if, in their opinion, the
24 assessment has not been made upon the proper basis, or equalize the assess-
25 ment of real or personal property by increasing or reducing the amount there-
26 of in any township, or any portion of the county, as may, in their opinion, be
27 just, but the assessment of any class of property or any portion of the county
28 shall not be increased until the board shall have notified not less than ten of
29 the owners of property in such portion of the county of such proposed increase
30 and give them, or any one representing them, or other citizens of said terri-
31 tory, an opportunity to be heard. The board shall hear any person in oppo-
32 sition to a proposed reduction in the assessment of any person, corporation
33 or territory.

34 *Fourth*—Hear and determine the application of any person who is assessed
35 on property claimed to be exempt from taxation. If the board shall deter-
36 mine that any such property is not liable to taxation, and the question as to
37 the liability of such property to taxation has not been previously determined as
38 hereinafter provided, the decision of said board shall not be final unless ap-

39 proved by the Auditor of Public Accounts; and it shall be the duty of the clerk
40 of the board, in all such cases under the direction of the board, to make out
41 and forward to the Auditor a full and complete statement of all the facts in
42 the case. If the Auditor is satisfied that such property is not legally liable
43 to taxation, he shall notify the board of review of his approval of its deci-
44 sion, and the board shall correct the assessment accordingly. But if the Aud-
45 itor is satisfied that such property is liable to taxation, he shall advise the
46 board of his objection to its decision and give notice to said board that he
47 will apply to the supreme court, specifying to what term thereof, for an order
48 to set aside and remove the decision of the board of review. Upon receipt
49 of such notice the clerk shall notify the person making the application afore-
50 said. It shall be the duty of the Auditor to then file in the supreme court a
51 certified statement of the facts certified by the clerk as aforesaid, together with
52 his objections thereto, and the court shall hear and determine the matter as
53 the right of the case may be. If the board of review shall decide that property
54 so claimed to be exempt is liable to be taxed, and the party aggrieved at the
55 time shall pray an appeal, a brief statement in the case shall be made by the
56 clerk, under the direction of the board and transmitted to the Auditor, who
57 shall present the case to the supreme court in like manner as hereinbefore pro-
58 vided. In either case the collection of the tax shall not be delayed thereby, but
59 in case the property is decided to be exempt the tax shall be abated and
60 refunded.

- 1 Introduced by Mr. Erickson, by request, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend Section 9, Section 10 as amended by the Act approved May 18, 1905, Section 12, Section 13 as amended by the Act approved May 18, 1905, and Section 29 as amended by the Act approved May 24, 1907, of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 9, Section 10 as amended by
3 the Act approved May 18, 1905, Section 12, Section 13 as amended by the Act ap-
4 proved May 18, 1905, and Section 29 as amended by the Act approved May 24,
5 1907, of an Act entitled, "An Act for the assessment of property and providing
6 the means therefor, and to repeal a certain act therein named," approved Febru-
7 ary 25, 1898, in force July 1, 1898, be and the same hereby are amended to read as
8 follows:

Sec. 9. REAL PROPERTY—WHEN AND HOW LISTED AND ASSESSED.]—All real property subject to taxation under the general revenue laws of the State, including real estate becoming taxable for the first time shall be listed in the name of the owner thereof by such owners, or persons required by law, or their agents, or the officers provided by law, and assessed for the year one thousand nine hundred and ten (1910), and every fourth year thereafter, with reference to the amount owned on the first day of April in the year in which the same is assessed, including all property purchased on that day, which assessment shall be known as the general assessment, and as modified or equalized or changed as provided by law, shall be the assessment upon which taxes shall be levied and extended during the quadrennial period for which the same is made: *Provided*, That no assessment of real property shall be considered as illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof.

Sec. 10. COUNTY CLERK TO MAKE UP DUPLICATE BOOKS OF LANDS OR LOTS TO BE ASSESSED FOR TAXES.]—The county clerk shall, before the first day of April, in the year 1910, and every fourth year thereafter, make up, in books to be provided for that purpose, a list of lands and lots to be assessed for taxes in the manner provided in the general revenue law. He shall also annually after the adoption of this act before the first day of April make a list of lands and lots which are taxable, or which shall become taxable for the first time, and which are not already listed, and a list of lands and lots which have been subdivided and not listed by the proper description. Such lists shall be made up in the manner in which the county clerk is required by the general revenue law to make such lists.

Sec. 12. WHEN AND HOW THE ASSESSOR SHALL ASSESS PROPERTY.]—The assessor shall, before the first day of June in the year 1910 and every fourth year

3 thereafter, in person or by his deputy, actually view and determine as near as
4 practicable the value of each tract or lot of land listed for taxation as of the first
5 day of April of each year, and assess the same at the value required by law, set-
6 ting down the sum in proper columns prepared therefor in duplicate books fur-
7 nished him. In making such assessments he shall set down his valuation of im-
8 proved tracts and lots in one column, and his value of unimproved tracts and lots
9 in another column. He shall also, between the first day of April and the first
10 day of June in each intervening year, list and assess in like manner all real
11 property which shall become taxable and which is not upon the general
12 assessment, and also make and return a list of all new or added
13 buildings, structures or other improvements of any kind, the value
14 of which shall not have been previously added to or included in the valua-
15 tion of the tract or lot on which such improvements have been erected or placed,
16 specifying the tract or lot on which each of said improvements has been erected
17 or placed, the kind of improvement, and the value which, in his opinion, has been
18 added to such tract or lot by the erection thereof; and in case of the destruction
19 or injury by fire, flood, cyclone, storm or otherwise, or removal of any structures of
20 any kind, or of the destruction of or any injury to orchard, timber, ornamental
21 trees or groves, the value of which shall have been included in any former valua-
22 tion of the tract or lot on which the same stood, the assessor shall determine as
23 near as practicable how much the value of such tract or lot had been diminished
24 in consequence of such destruction or injury, and make return thereof. And in
25 case any assessor shall fail or neglect so to do, then the supervisor of assessments
26 shall, in the case of such new or added improvements, assess the same according
27 to the assessment of the same property in the general assessment, and in case of
28 such destruction shall abate from the assessment of the tracts or lots so damaged
29 or lessened the proper proportion thereof, estimated according to the same princi-

30 ples; in counties containing one hundred and twenty-five thousand or more inhab-
 31 itants such books shall be made up by townships.

Sec. 13. VALUATIONS AND ENTRIES TO BE MADE IN DUPLICATE ASSESSMENT BOOKS
 2 —ALTERATION—SUBDIVISION.]—All such lists, valuations and entries shall be made
 3 in duplicate assessment books. The assessor shall, also, from time to time, make
 4 such alterations in the description of real property as he may find necessary, and
 5 when real property has been subdivided since the making of the general assess-
 6 ment, shall from time to time correct the description so that they shall correspond
 7 to the subdivisions, and distribute the assessment in the proper proportions
 8 among the lots or parcels into which the land shall have been subdivided; and in
 9 case of a vacation of a subdivision readjust the description of the assessment ac-
 10 cordingly.

Sec. 29. PUBLICATION OF ASSESSMENT—BOARD OF REVIEW.] As soon as the coun-
 2 ty assessor or supervisor of assessments shall have completed the assessment in
 3 the year A. D. 1910, he shall cause to be published a full and complete list of such
 4 assessment by township or assessment districts, which publication shall be made
 5 on or before July 10 of each year in some public newspaper or newspapers pub-
 6 lished in said county: *Provided*, That in every township or assessment district
 7 in which there is published one or more newspapers of general circulation the list
 8 of such township or assessment district shall be published in one of said news-
 9 papers so published in said township or assessment district: *And, provided*, That
 10 said newspaper shall not receive for the publishing of said assessment list to ex-
 11 ceed three (3) cents per name for each person or corporation so assessed and if
 12 impossible to secure publication at that price, that the publication be let to the
 13 lowest bidder at a price not exceeding five cents per tract, and shall furnish to the
 14 county assessor, the county supervisor of assessments and the board of review as

15 many copies of said paper containing the assessment list as they may require, said
16 papers so furnished not to cost to exceed five (5) cents per copy: *Provided, fur-*
17 *ther,* That after the year 1910, the publication shall only be of the assessment of
18 personal property and the changes made, if any, in real estate, but the real estate
19 assessment shall be published in full every four (4) years, beginning with the year
20 1910: *Provided, further,* That in counties of 125,000 inhabitants or over, no as-
21 sessment of real estate shall be published as herein provided until such assessment
22 shall have been equalized, revised or affirmed by the board of review, and when
23 the board of review shall have acted upon the assessment list of real property, as
24 herein provided in the year 1910 and every four years thereafter, the assessors and
25 board of review shall cause to be published a full and complete list of such assess-
26 ment on real property together with all changes made by the board of review
27 under the authority of this act, such changes to be indicated in a separate column,
28 such publication to be in pamphlet form by election districts in lieu of publication
29 in a newspaper: *Provided, further,* that in case said assessment is not published
30 in conformity with law, the failure to so publish the same shall not be considered
31 as a valid objection to a judgment for tax sale in the county court. The expense
32 of such printing and publication shall be paid out of the county treasury.

AMENDMENT TO

46th Assem.

HOUSE—No. 483

May 1909

Adopted May 25, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 483 by striking out the word “duplicate” where it appears in line 6 of section 12 and in line 3 of section 13 of the printed bill, and insert in lieu thereof the word ‘triplicate’ in each place.

- 1 Introduced by Mr. Espy, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend an Act entitled, "An Act for the assessment of property and the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, by adding thereto four new sections, to be known as sections 29e, 29f, 29g and 29h.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same is hereby amended by adding thereto four new sections, to be known as sections 29e, 29f, 29g and 29h, to read as follows:

7 Sec. 29e. In each such association there shall be kept, at all times, a full
8 and correct list of names and residences of its stockholders, and the number of
9 shares held by each, which list shall be subject to the inspection of the officers

10 authorized to assess property for taxation; and it shall be the duty of the
11 assessor to ascertain and report a correct list of the names and residences of
12 all stockholders in any such association, with the number and assessed value of
13 all such shares held by each stockholder.

14 Sec. 29f. The assessor shall enter the valuation of such shares in his
15 books, in the names of the respective owners of the same, and the proper
16 authorities shall extend taxes thereon the same as against the valuation of
17 other property in the same locality.

18 29g. The collector of taxes and the officer or officers authorized to re-
19 ceive taxes from the collector, may, all or either of them, have an action to col-
20 lect the taxes assessed on any share or shares of such stock from the avails
21 of the sale of such share or shares; and the tax against such shares shall be
22 and remain a lien thereon till the payment of such tax.

23 Sec. 29h. For the purpose of collecting such taxes, it shall be the duty of
24 every such association, or the managing officer or officers thereof, to retain
25 so much of any dividend or dividends, belonging to such stockholders, as shall
26 be necessary to pay any taxes levied upon their shares of stock, respectively,
27 until it shall be made to appear to such association or its officers that such
28 taxes have been paid; and any officer of such association who shall pay over
29 or authorize the paying over of any such dividend or dividends, or any por-
30 tion thereof, contrary to the provisions of this section, shall thereby become
31 liable for such tax; and if the said tax shall not be paid, the collector of taxes
32 where such association is located shall sell said share or shares to pay the
33 same, like other personal property. And in case of sale, the provisions of law
34 in regard to the transfer of stock, when sold on execution, shall apply to such
35 sale.

- 1 Introduced by Mr. Espy, April 1, 1909.
- 2 Read by title, ordered printed and to lie on the Speaker's Table.

A BILL

For an Act concerning the cutting and sale of ice.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any company, firm,
3 corporation or person to sell or offer for sale, or to bring into this State for
4 the purpose of selling or otherwise disposing of, any ice which has been cut or
5 taken from any river, stream, lake or creek which is polluted by sewage, or
6 into which river, stream, lake or creek is, or has been emptied the sewage of
7 any city, village or town, or the waste or refuse from any stock yards, dis-
8 tillery or factory.

Sec. 2. Any company, firm, corporation or person violating the provisions
2 of this Act, shall, upon conviction, be fined not less than fifty dollars nor more
3 than two hundred dollars.

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- 1 Introduced by Mr. Fieldstack, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

For an Act to amend section one (1) of "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1) of "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, be and the same is hereby amended so as to read as follows:

7 Sec. 1. That the Department of Agriculture, for the promotion of
8 agriculture and horticulture, manufactures and the domestic arts, shall be con-
9 tinued and shall be managed by a board to be styled the "State Board of Agri-
10 culture," and that on the first Tuesday after the first Monday in November,

11 1910 and every two years thereafter, there shall be elected by the legal voters
12 one member of said board from each congressional district in the State, who
13 shall serve for the term of two years or until their successors are elected and
14 qualified. The members of the State Board of Agriculture shall enter upon
15 the duties of their office on the second Tuesday of January succeeding their
16 election, and at that time shall elect one of their number as president, one vice
17 president and shall also elect some one not a member of said board as treasurer,
18 and also shall elect some one not a member of the board, as secretary, whose
19 terms of office shall be for two years or until their successors are elected and
20 qualified. The State Board of Agriculture may fill any vacancy arising from
21 death or otherwise, in said board, by appointment from the district in which
22 such vacancy occurs.

23 The compensation allowed to each member of said board shall not exceed
24 the sum of five dollars per diem and actual expenses for each day of service
25 actually performed as such member. All bills for services and expenses shall
26 be fully itemized, and paid only upon the approval of the president and finance
27 committee of said board.

Sec. 2. All Acts and parts of Acts in conflict herewith, are hereby repealed.

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- 1 Introduced by Mr. Forst, by request, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend sections 8 and 74 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections eight (8) and seventy-four (74) of "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all amendments thereto, be amended so as to read as follows:

6 Sec. 8. PUBLIC HEARING.] At the time and place fixed in said notice for
7 the public hearing, the said board shall meet and hear the representations of any
8 person, desiring to be heard on the subject of necessity for the proposed im-
9 provement; the same thereof, or the cost as estimated. In case any person shall

10 appear to object to the proposed improvement or any of the elements thereof,
11 said board shall adopt a new resolution abandoning the said proposed scheme
12 or adhering thereto, or changing, altering or modifying the extent, nature, kind,
13 character and estimated cost, provided such change shall not increase the esti-
14 mated cost of the improvement to exceed twenty (20) per centum of the same
15 without a further public hearing thereon, as it shall consider most desirable;
16 and thereupon, if the said proposed improvement be not abandoned, the said
17 board shall cause an ordinance to be prepared therefor, to be submitted to
18 the council or board of trustees (as the case may be.) Such ordinance shall
19 prescribe the nature, character, locality and description of such improvement
20 and shall provide whether the same shall be made wholly or in part by special
21 assessment or special taxation of contiguous property; and, if in part only,
22 shall so state: *Provided, however*, that when a majority of property owners
23 owning property abutting on any street proposed to be improved, shall peti-
24 tion the board of local improvements in writing that an article, material or
25 process covered by letters patent, granted by the United States government,
26 shall be used in the improvement of such street, such article, material or pro-
27 cess so petitioned for may be prescribed in the ordinance for making such im-
28 provement, subject however, to conditions contained in section 74 of this Act.

29 If property is to be taken or damaged for said improvement, such ordi-
30 nance shall describe the same with reasonable certainty.

31 In cities of 100,000 inhabitants or over, when remonstrance petition is filed
32 by the owners of a majority of the frontage on the line of the proposed im-
33 provement with the board of local improvements within thirty (30) days after
34 the public hearing thereon, said board shall thereupon stay all proceedings
35 therein for one year from said date.

36 The remonstrance above referred to, to be filed with the board, shall con-
37 tain the signatures of the owners or legal representatives, the description of

38 the property owned or represented, the number of feet so owned or represented
 39 and shall be verified by affidavit of one or more property owners fronting on the
 40 line of the proposed improvement, setting forth that the party making the
 41 affidavit is a property owner, fronting on the proposed improvement and that
 42 the parties who signed the same are the owners or legal representatives of
 43 the property described therein.

44 Sec. 74. LETTING CONTRACTS—WHEN CITY, ETC., MAY PERFORM THE WORK.]
 45 All contracts for the making of any public improvement, to be paid wholly or
 46 in part by special assessment or special tax, and any work or other public im-
 47 provements, when the expense thereof shall exceed five hundred dollars (\$500),
 48 shall be let to the lowest responsible bidder in the manner herein prescribed,
 49 such contracts to be approved by the president of the board of local improve-
 50 ments: *Provided, however,* that whenever the use of an article, material or
 51 process covered by letters patent, granted by the United States government,
 52 shall be petitioned for, as provided in section 8 of this Act, no ordinance shall
 53 be passed prescribing the use of such patented article, material or process un-
 54 less the owner or owners of such patent rights shall agree in writing with the
 55 city, village or town, as the case may be, to allow the use of such patent rights
 56 and to sell such patented article, material or process at a stated price, either
 57 to such city, village or town, or to any contractor to whom the contract may
 58 be awarded for the making of such improvement. In case of any work in
 59 which it is estimated that the work shall not cost more than five hundred dol-
 60 lars (\$500), if after receiving bids, it shall appear to said board of local im-
 61 provements that said work can be performed better and cheaper by the city,
 62 town or village, or the authorities thereof, the authorities of the city, town or
 63 village shall perform said work and employ the necessary help therefor, and
 64 the cost of said work by said city, town or village, or the authorities thereof,
 65 shall in no case be more than the lowest bid received.

-
- 1 Introduced by Mr. Foster, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to establish and maintain a laboratory for the production of hog cholera serum and other biological products for free distribution to the live stock producers of the State of Illinois, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be established in this State an institution to be known as the "State Biological Laboratory." The purpose of said institution shall be for the production and manufacture of biological products to be distributed free to live stock producers in the State of Illinois.

Sec. 2. The State Board of Live Stock Commissioners shall immediately, after the taking effect of this Act, select a suitable place for the location of said institution, and shall purchase not less than forty acres of land for the erection of a laboratory and necessary outbuildings.

Sec. 3. The management of said laboratory shall be under the direction
2 and control of the State Board of Live Stock Commissioners.

Sec. 4. For the purpose of carrying out the provisions of this Act there
2 is hereby appropriated the sum of four thousand dollars (\$4,000.00), or so much
3 thereof as may be necessary for the purchase of not less than forty acres of
4 land for the location of said institution; and there is hereby appropriated the
5 sum of twenty thousand dollars (\$20,000.00) for the erection of a laboratory
6 and the necessary equipment; and there is hereby appropriated the sum of six
7 thousand dollars (\$6,000.00) per annum for the employment of necessary ex-
8 perts and labor to carry on the work.

Sec. 5. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant on the State Treasurer in payment of the amounts here-
3 in appropriated, upon itemized bills, certified by said commission and ap-
4 proved by the Governor; but no warrants shall be drawn for the purchase of
5 the land herein authorized until the abstract and deed of conveyance are ap-
6 proved by the Attorney General.

AMENDMENT TO

46th Assem.

HOUSE—No. 488

May 1909

Adopted May 26, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 488 by striking out in line 5, of section 4, the figures “\$20,000” and insert in lieu thereof the figures “\$6,000.”

In line 7 strike out figures “\$6,000” and insert the figures “\$4,000.”

1 Introduced by Mr. Foster, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on County and
Township Organization.

A BILL

For an Act for the paymnet of bounties for killing hawks.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every person who shall kill any hawk in any
3 county not under township organization, or in counties under township or-
4 ganization, in any township, village or city, in the State of Illinois, shall be
5 entitled to receive a bounty of 50 cents for each hawk killed, to be allowed
6 and paid in the manner hereinafter provided.

Sec. 2. Every person applying for such bounty shall take such hawk, or
2 the head of such hawks, in lots of not less than two, to the county clerks in
3 counties not under township organization; or in counties under township or-
4 ganization, to the clerk of the township, village or city, within which such
5 hawks shall have been killed, and make proof of the killing of said hawks to

6 said clerk, by the affidavit of the person killing the same, under oath or affirm-
7 ing administered by said clerk and signed by the affiant, and stating in said affi-
8 davit that said hawks were killed within the limits of the county, in counties
9 not under township organization, or in counties under township organization.
10 within the limits of the township, village or city in which said bounty is applied
11 for. Whereupon the said clerk, if satisfied of the correctness of such claims,
12 shall issue a certificate to the person claiming such bounty, stating the amount
13 of bounty to which such applicant is entitled, and deliver the same to such
14 applicant, and said clerk shall destroy the heads of such hawks as soon as de-
15 livered.

Sec. 3. Such certificate may be presented by the claimants or their
2 agent to the county clerk of the county in which such hawks were killed, who
3 shall thereupon draw a warrant for the amount of the said bounty on the
4 treasurer of said county, and said treasurer shall, upon presentation of said
5 warrant, pay the same from the general or contingent fund of said county.

-
- 1 Introduced by Mr. Fulton, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

A BILL

For an Act authorizing the making of additions to, and the correction of, names of Illinois soldiers or sailors enrolled upon the tablets erected within the Illinois State Monument, or Memorial Temple, in the National Military Park at Vicksburg, Mississippi; and providing for the appointment of commissioners therefor, and making appropriation for the payment of the cost and expenses thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Governor of the State of Illinois be and
3 he is hereby authorized and empowered to appoint five (5) commissioners, who
4 shall ascertain the names of any Illinois soldiers or sailors, who participated
5 in the campaign and siege of Vicksburg, Mississippi, that have been omitted
6 from enrollment upon the bronze tablets erected inside the Illinois State Monu-
7 ment, or Memorial Temple, in the National Military Park at Vicksburg, Mis-

8 sissippi; and who shall cause to be placed upon the tablets already erected, or
9 upon an additional tablet, or tablets, to be erected within the said monument,
10 or temple, such names of Illinois soldiers or sailors so omitted; and said com-
11 missioners shall also cause to be corrected the spelling of any of the names
12 already enrolled on the tablets within said monument, or temple, so far as it
13 shall be made to appear that the same are now incorrectly spelled thereon,
14 and so far as such corrections shall be practicable.

Sec. 2. Said commissioners shall also cause to be printed two thousand
2 (2,000) copies of a suitable page or pages, containing all such additional names
3 and all corrections so placed and made under the provisions of this Act, and
4 shall send a copy of such page, or pages, by mail, to each of the known holders
5 of the book entitled, "Illinois at Vicksburg," printed and distributed by au-
6 thority of law by the Illinois Vicksburg Park Commission. Said commission
7 shall make report to the Governor of all their acts and doings under this Act.

Sec. 3. For the purpose of carrying out the provisions of this Act, the
2 sum of two thousand (\$2,000) dollars, or so much thereof as shall be necessary,
3 is hereby appropriated, to pay the cost and expenses of such additional work
4 and tablet or tablets, and printing and distribution of such page, or pages, and
5 the necessary traveling expenses of said commissioners, and other necessary
6 expenses involved in carrying out the provisions of this Act. Said commis-
7 sion are hereby authorized and empowered to employ a competent person, or
8 persons, to prepare and furnish the necessary details for said work, who may
9 be of their number, and to pay such person, or persons not exceeding ten
10 (\$10.00) dollars per day for each day necessarily employed in the perform-
11 ance of such duty, and shall also employ such person, or persons, as they may
12 select for that purpose to furnish the materials and do the other work neces-
13 sary to carry out the provisions of this Act.

Sec. 4. The Auditor of Public Accounts of the State of Illinois is hereby
2 authorized and empowered and directed to draw warrants on the State Treas-
3 urer of the State of Illinois for the payment of all expenditures necessary to
4 carry out the provisions of this Act, upon the presentation to him of proper
5 vouchers therefor, certified by said commissioners and approved by the Gover-
6 nor of said State.

Sec. 5. WHEREAS, An emergency exists, therefore, this Act shall take effect
2 and be in force from and after its passage.

1 Introduced by Mr. Fulton, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Soldiers' and Sail-
ors' Home and Soldiers' Orphans' Home.

A BILL

For an Act to exempt from taxation certain property owned by any post of the
Grand Army of the Republic.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any property within this State owned by any
3 post of the Grand Army of the Republic and used and occupied, in whole or in
4 part, by such post as a memorial or lodge hall, shall be exempt from taxation:
5 *Provided,* that the income of such property, if any, in excess of the cost, re-
6 pairs and maintenance of the same, shall be used in the charitable work of said
7 organization.

Sec. 2. In regard to ownership, use and occupation of such property, a
2 certificate, issued by the Adjutant General of the Grand Army of the Republic
3 for the Dept. of Illinois, shall be deemed conclusive evidence of the facts there-
4 in stated.

5 All laws and parts of laws in conflict with this Act are hereby repealed.

4 ceedings in any county where a violation of this Act occurs to enforce the same
5 by any suit or proceeding heretofore proper for such purpose.

Sec. 3. The toll charged against any non-subscriber of such telephone
2 company shall be reasonable, and all cities and villages in the State shall have
3 power to fix the reasonable toll so to be charged, by an ordinance duly passed
4 for such purpose and payment or tender of such toll at any public telephone
5 station or general office of such company or other place provided by such com-
6 pany for public service, shall entitle such non-subscriber to the service afore-
7 said.

- 1 Introduced by Mr. Geshkewich, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act providing for the licensing, regulation and inspection of cold storage warehouses and regulating the sale of articles of food stuff stored therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or corpo-
3 ration to carry on, engage in or conduct, the business of storing perishable
4 food, or keep, maintain or operate a cold storage warehouse where meats, fish,
5 eggs, poultry, game, fruits, farm or garden produce, or other perishable food
6 stuffs, are stored within the limits of any incorporated city or village in this
7 State without first having obtained a license for such business, as herein-
8 after provided.

Sec. 2. Any person or corporation desiring to carry on, engage in or con-
2 duct the business of storing perishable food or to keep, maintain or operate a
3 cold storage warehouse where meats, fish, eggs, poultry, game, fruits, farm or

4 garden produce, or other perishable food stuffs are stored, shall make applica-
5 tion in writing to the mayor or president of the board of trustees for that pur-
6 pose, in which application shall be described the location at which said busi-
7 ness is proposed to be carried on. Such application shall be accompanied by
8 a report or certificate from the commissioner of health of any city or village
9 where such officer may exist, and in such cities or villages having no commis-
10 sioner of health or any officer performing the duties of such commissioner, then
11 such application shall be accompanied by a certificate or report from the State
12 Board of Health, stating whether the place in which such applicant proposes to
13 carry on such business is in a sanitary condition and is a fit place in which to
14 carry on such business. If such report shall be to the effect that such place is
15 a fit place and in a sanitary condition in which to carry on said business the
16 mayor or president of the board of trustees shall cause to be issued to such ap-
17 plicant a license, authorizing such applicant to carry on the said business for
18 and during the period for which said license shall be issued upon payment by
19 such applicant to the proper authorities of any such incorporated city or village
20 of a license fee of five hundred dollars (\$500) annually, and the filing of a bond
21 running to the incorporated city or village as the case may be, with at least two
22 sureties to be approved by the mayor or president of the board of trustees in
23 the sum of ten thousand dollars (\$10,000), conditioned that such licensed person
24 or corporation shall faithfully observe and obey all the laws of the State of
25 Illinois and the ordinances of such incorporated city or village as the case may
26 be, now in force or which may hereafter be passed with reference to such busi-
27 ness.

Sec. 3. Whenever any meats, fish, eggs, poultry, game, fruits, farm or garden
2 produce or perishable food stuffs of any kind or character are placed in stor-
3 age at such cold storage warehouse, each package, box, bale, barrel, tub or
4 other receptacle in which such articles of food are packed shall be plainly

5 stamped with a stamp showing the date that such articles of food were placed
6 in said cold storage warehouse. Such stamp shall not be removed, defaced,
7 altered or destroyed at any time while said articles of food remain in said re-
8 ceptacle, nor shall said articles of food be removed or transferred from a
9 receptacle so stamped to another while the said articles of food remain in said
10 cold storage warehouse, nor shall the said articles of food be removed to an-
11 other cold storage warehouse except upon the written permission of the commis-
12 sioner of health of any city or village where such officers may exist, and in
13 such cities or villages having no commissioner of health or any officer perform-
14 ing the duties of such commissioner, then such permission shall be obtained
15 from the State Board of Health, or do anything which shall cause the stamp so
16 affixed to a receptacle containing such articles of food to indicate a different
17 date from the one on which the said articles of food were first placed in a
18 cold storage warehouse, shall be subject to the penalty hereinafter pro-
19 vided for.

Sec. 4. It shall be unlawful to place in such cold storage warehouse any
2 poultry or fowl of any kind in an undrawn condition or with the entrails left
3 therein.

Sec. 5. It shall be unlawful for any person, persons, firm or corporation
2 to sell, offer or expose for sale any meats, fish, eggs, poultry, game, fruits, farm
3 or garden produce or other perishable food stuff placed in cold storage or re-
4 moved or taken from any cold storage warehouse unless each package, box,
5 barrel, tub, or other receptacle in which the aforementioned articles of food are
6 contained and packed, and sold or offered or exposed for sale or from which
7 such package, box, barrel, tub, or other receptacle from which such aforemen-
8 tioned articles of food are sold, offered or exposed for sale, shall be plainly
9 stamped with the stamp of every such warehouse where such aforementioned

10 articles of food have been stored showing the date that such aforementioned
11 articles of food were placed in such cold storage warehouse.

Sec. 6. It shall be unlawful for any person, persons, firm or corporation to
2 have in its possession with the intention of selling, or offering or exposing for
3 sale any package, box, bale, barrel, tub, or other receptacle, in which any meats,
4 fish, eggs, poultry, game, fruits, farm or garden produce, or other perishable
5 food stuffs are packed or contained and which have been taken or removed from
6 any cold storage warehouse where the stamp showing the date such articles of
7 food were placed in any such cold storage warehouse has been removed, de-
8 faced, altered, or destroyed, or is not plainly legible.

Sec. 7. Whenever any meats, fish, eggs, poultry, game, fruits, farm or
2 garden produce or other perishable food stuffs have been retained for a period
3 of six months, notice shall be given within five days thereafter to the commis-
4 sioner of health of any such city or village where such officer may exist and in
5 such cities or villages having no commissioner of health or any officer perform-
6 ing the duties of such commissioner, then to the State Board of Health, by the
7 owner, manager, superintendent or person in charge of such cold storage ware-
8 house, and thereupon it shall be the duty of said commissioner of health
9 of any such city or village where such officer may exist and in such cities or
10 villages having no commissioner of health or any officer performing the duties
11 of such commissioner, it shall be the duty of the State Board of Health to
12 cause such food stuffs to be inspected, and in case they are found upon in-
13 spection to be fit for use, such food stuffs may be sold, with the consent of
14 the owner of the same, to the highest bidder for immediate consumption, the
15 proceeds of such sale to go to the owner thereof; but if such owner refuses
16 to allow such food stuffs to be sold in the manner aforesaid, then it shall be
17 within the discretion of the commissioner of health or State Board of Health,

18 as the case may be, to condemn the same at once, or permit it to be retained
19 in such cold storage warehouse for a limited time, to be fixed by him or it, at
20 his or its discretion, at the end of which time it shall be condemned as unfit
21 for use.

Sec. 8. Every keeper of a cold storage warehouse shall allow the commis-
2 sioner of health or the State Board of Health, as the case may be, and all other
3 duly authorized employes of any such department of health or State Board of
4 Health to fully and freely inspect all such articles of food so stored, and shall
5 answer all reasonable and proper questions asked by such officers or employes
6 relating to the condition and age of such articles of food, and said articles of
7 food shall be subject to condemnation and destruction in like manner as all
8 other unwholesome or decayed food as provided for by the health ordinances
9 of any such city or village and the health laws of this State, and the discre-
10 tion of the health officers of any such city or village or of the State Board
11 of Health, in regard to such food so stored, shall be the same as their discre-
12 tion in regard to all other foods, as provided for by the ordinances of any such
13 city or village relating thereto, or the laws of the State of Illinois likewise
14 thereto relating.

Sec. 9. Any person, persons, firm or corporation violating any of the pro-
2 visions of this Act shall be deemed guilty of a misdemeanor and upon convic-
3 tion thereof shall be fined not less than two hundred dollars (\$200) nor more
4 than one thousand dollars (\$1,000) for each offense.

- 1 Introduced by Mr. Grace, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Good Roads.

A BILL

For an Act to amend an Act entitled "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 1, 1883, in force July 1, 1883; as amended June 3, 1907, in force July 1, 1907, by amending sections 1 and 4a to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That on the petition of fifty land owners, who are
3 legal voters, of any township, or on the petition of 60 per cent of the land
4 owners, who are legal voters, of any township, to the town clerk thereof, in
5 counties under township organization, or of road districts in counties not under
6 township organization, to the county clerk, he shall, when giving notice of the
7 time and place for holding the next annual town meeting, also give notice that
8 a vote will be taken at said election for or against levying a tax not to exceed
9 \$1.00 on each \$100.00 assessed valuation of all the taxable property, including

10 railroads, in the township or road district, for the purpose of constructing and
 11 maintaining gravel, rock, macadam, or other hard roads. Said petition shall
 12 state the location and route of the proposed road or roads and shall also state
 13 the rate per cent, not exceeding \$1.00 on each \$100.00 and the number of
 14 years, not exceeding five, for which said tax shall be levied. The petition shall
 15 also state the proposed length to be improved on each road, and if over one
 16 mile on each is to be improved the construction shall proceed in the order of
 17 the roads named, one mile on each, unless otherwise indicated in the petition.

18 Sec. 4a. That in any township in counties under township organization,
 19 and in any road district not under township organization, wherein the people
 20 have at any time voted for a special tax for gravel, rock, macadam or other
 21 roads, as provided in sections 1 and 2 of this Act, if the commissioners desire
 22 to expend on hard roads in their town (or district) a greater sum than is
 23 available to them from other sources, they, or a majority of them, may peti-
 24 tion the supervisor of the town (or the county clerk of the county) to call a
 25 special election to vote on the proposition, which shall be clearly stated in the
 26 petition as follows:

27 “To borrow.....dollars to construct and maintain gravel, rock,
 28 macadam or other hard roads in the town (or district) of.....”

29 Which said petition shall be signed by said commissioners, or a majority of
 30 them, in their official capacity and by one hundred of the free holders, or 60 per
 31 cent of such free holders of said town (or district), and thereupon such peti-
 32 tion shall be filed in the office of the town clerk of such town (or the county clerk
 33 in counties not under township organization). Upon the filing of such petition,
 34 the supervisor shall order the town clerk, by an instrument in writing to be
 35 signed by him, to post up in ten of the most public places in said town,
 36 notices of such special election (or in counties not under township organization
 37 the county clerk shall post such notices in said district), which notice shall state

38 the object, time and place of meeting, the maximum sum to be borrowed, and
39 the manner in which the voting is to be had, which shall invariably be by ballot,
40 and shall be "For borrowing money (here define the purpose)," or "Against
41 borrowing money (here define purpose)." The special election shall be held at
42 the place of the last annual town (or district) election, by giving at least ten
43 days' notice, and returns thereof made in the same manner as other special
44 town (or district) elections are now or may hereafter be provided by law; and
45 if it shall appear that a majority of the legal voters voting at said election shall
46 be in favor of said proposition the supervisor and town clerk (or the county
47 clerk), acting under the direction of the commissioners of said town, shall issue
48 from time to time as the work progresses a sufficient amount in the aggregate
49 of the bonds of said town (or district) for the purpose of building and
50 maintaining gravel, rock, macadam or other hard roads; said bonds to be of
51 such denominations, bear such rate of interest, not exceeding 5 per cent, upon
52 such time, and be disposed of as the necessities and conveniences of said town
53 (or district) officers require: *Provided*, that said bonds shall not be sold or
54 disposed of either by sale or by payment to contractors for labor and materials
55 for less than their par value; such bonds to be issued in not more than
56 ten annual series, the first series of which shall mature not more than five years
57 from the date thereof, and each succeeding series in succeeding years thereafter.
58 A record of all issues of said bonds shall be kept in the office of the county clerk
59 of the county in which said township or district is located and it shall be the
60 duty of such county clerk to extend annually against the property in said township
61 or road district, a tax sufficient to pay the interest of said bonds in each
62 year prior to the maturity of such first series and thereafter he shall extend
63 a tax in each year sufficient to pay each series as it matures, together with
64 interest thereon and with the interest upon the unmatured bonds outstanding.
65 Such bonds may be lithographed and the interest for each year evidenced

66 by interest coupons thereto attached which shall be signed by the same officers
 67 who execute the bonds: *Provided, however,* that the amount, including the
 68 principal and interest, to be voted upon shall not exceed the amount which can
 69 be raised during a period of five years by a levy of one dollar on each one
 70 hundred dollars of taxable property in said township (or district) as compared
 71 on the value of such property as taken for assessment purposes in such town
 72 (or district): *And, provided, further,* that such town or district shall provide
 73 for the payment of such bonds and the interest thereon by appropriate
 74 taxation.

75 Approved June 3, 1907.

76 WHEREAS, The voters in many townships in the State desire to vote at
 77 the town meetings this spring to levy a tax, as provided in section 1; and,

78 WHEREAS, The voters of many townships also desire to call a special elec-
 79 tion to vote bonds, as provided in section 4a of this Act, at the earliest possi-
 80 ble time; therefore, an emergency exists and this Act shall become and be in
 81 force from and after its passage.

82 Dated this.....day of.....A. D. 1909.

- 1 Introduced by Mr. Grace, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to prohibit discrimination amongst insurants of the same class, or rebates of premiums for policies issued by insurance companies other than life.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no insurance company or association organized
3 under the laws of this State or doing business within the limits of the same
4 shall make or permit any distinction or discrimination amongst insurants of
5 the same class in its established rates and no company, manager, general agent,
6 agent, sub-agent, solicitor or broker thereof, shall offer to pay or allow as in-
7 ducements to insurance, any rebate of premiums payable on policy, or any
8 special favor of advantage in the dividends or other benefits to accrue there-
9 on, or any valuable consideration or inducement not specified in the policy
10 contract of insurance; or give, sell or purchase, or offer to give, sell or pur-
11 chase as inducement to insurance or any connection therewith, any stocks, bonds

12 or other securities if any insurance company or other corporation, association
13 or partnership, or any dividends or profits thereon accrued, or anything of value
14 whatsoever, not specified in the policy.

Sec. 2. No person shall receive or accept from any insurance company
2 or association or manager, general agent, agent, sub-agent, solicitor, broker or
3 any other person, any such rebate of premium payable on the policy, or any
4 special favor or advantage in the dividends or other benefits accrued thereon,
5 or any valuable consideration or inducement not specified in the policy of in-
6 surance. No person shall be excused from testifying or from producing any
7 books, papers, contracts, agreements or documents at the trial of any other
8 person charged with violating any provisions of this Act on the ground that
9 such testimony or evidence may tend to incriminate him, but no person shall
10 be prosecuted for any act, concerning which he shall be compelled to testify or
11 produce evidence, documentary or otherwise, except for perjury committed in
12 so testifying.

Sec. 3. Any such insurance company or association which shall transact
2 its business in this State in violation of the provisions of this Act, shall to-
3 gether with the manager, general agent, agent, sub-agent, solicitor or broker,
4 so unlawfully transacting said business, jointly or severally, be subject to a
5 penalty of not less than \$25.00 nor more than \$500.00 for the first offense. For
6 the second offense be subject to a penalty of not less than \$100.00 nor more than
7 \$500.00, and the license of such insurance company as well as its agent or
8 agents, may be revoked. The above penalty to be sued for and recovered in
9 the name of the People of the State of Illinois by the State's attorney of the
10 county in which said agent or agents may reside or in which county the offense
11 is committed. One-half of said penalty when recovered shall be paid into the
12 treasury of the said county and the other half to the informant of said viola-
13 tion, and it is hereby made the duty of the insurance superintendent, upon

14 conviction had as aforesaid or penalty recovered against any such company
15 or agent thereof, for any violation of this Act at once to revoke, cancel and
16 annul the certificate of authority issued to any such company or agent by this
17 insurance superintendent.

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- 1 Introduced by Mr. Hagan, by request, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend sections one (1), two (2) and three (3) of an Act entitled, "An Act to secure the enforcement of the law for prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877; as amended by Act approved June 30, 1885, in force July 1, 1885; and as amended by Act approved May 11, 1905, in force July 1, 1905; and to add another section to said Act, to be known as section 5 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one (1), two (2) and three (3) of
3 "An Act to secure the enforcement of the law for prevention of cruelty to
4 animals," approved May 25, 1877, in force July 1, 1877; as amended by Act
5 approved June 30, 1885, in force July 1, 1885; and as amended by Act ap-
6 proved May 11, 1905, in force July 1, 1905, be and the same is hereby amended,
7 and that said Act be, and it is hereby further amended, by adding thereto an

8 additional section, to be known as section five (5), which said sections one (1),
9 two (2) and three (3), as amended, and said section five (5) shall read as
10 follows:

11 Sec. 1. That it is hereby made the duty of the Governor to appoint, by
12 and with the consent of the Senate, three officers for the town of Lake, Cook
13 county; two officers for East St. Louis, St. Clair county, and one officer for
14 the city of Peoria, Peoria county, whose term of office shall be two years, re-
15 spectively, or until a successor to such officer shall be appointed and qualified;
16 and the duty of each officer so appointed shall be to cause the enforcement of
17 the law for the prevention of cruelty to animals. Two of the said officers so
18 to be appointed for the town of Lake Cook county, shall be graduate vet-
19 erinarians.

20 Sec. 2. The salary of said veterinarians shall be not exceeding fifteen
21 hundred dollars (\$1,500) each per annum, and the salary of said other officers
22 shall be not exceeding twelve hundred dollars (\$1,200) each per annum, pay-
23 able quarterly from any money in the treasury not otherwise appropriated.

24 Sec. 3. Said officers shall make full reports of their proceedings monthly
25 to the Governor; and a copy of such reports shall be furnished to any society
26 organized under the laws of this State for the prevention of cruelty to ani-
27 mals, on application therefor.

28 Sec. 5. Said veterinary officers shall have the power and authority to
29 humanely kill any animal intended for slaughter which is suffering from such
30 serious injuries that it would be cruel to permit it longer to remain alive. Such
31 veterinary officer shall attach to each animal so killed by him a tag, stating the
32 day and hour when and the place where it was killed, which statement shall
33 be signed by such veterinary officer.

- 1 Introduced by Mr. Holaday, by request, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act relating to societies of students attending public high schools.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That secret societies or associations, composed prin-
3 cipally of students attending public high schools, commonly called fraterni-
4 ties or sororities, shall file with the principal of high school the names of all
5 members of such fraternities who are attending the high school on the first
6 day of October of each year, and upon application to such fraternity for mem-
7 bership by any student, the secretary or other officer of such fraternity shall
8 forward to the principal of the high school a notice of such application, and
9 if the applicant shall be delinquent in his studies the principal shall so ad-
10 vise the secretary or other officer, and the application for membership shall be
11 rejected.

Sec. 2. That membership in such fraternities shall be limited to students
2 in the third and fourth years.

Sec. 3. Each chapter of a national fraternity, or each society, as the
2 case may be, shall submit to the principal of the high school located nearest to
3 its place of meeting the names of three instructors of said high school, from
4 which names the principal thereof shall indicate one who shall be deemed an
5 honorary advisory member of the fraternity. He shall have supervision over
6 the affairs of such fraternity.

Sec. 4. Such fraternities shall hold their meetings in a place designated
2 by the principal in the school building, and in no event shall such fraterni-
3 ties maintain separate offices or houses of any kind or nature.

Sec. 5. [That such honorary advisory member shall direct the attention
2 of principal of such school to any violations of the provisions of this Act, and
3 such principal shall have power to discipline the violators by suspension or
4 expulsion from such school.

Sec. 6. That these societies shall in no wise be further restricted than
2 herein provided.

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- 1 Introduced by Mr. Hollenbeck, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section six (6) of an Act entitled, "An Act to amend an Act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended by Act approved June 11, 1897, in force July 1, 1897, as amended by Act approved May 14, 1903, in force July 1, 1903, as amended by Act approved April 22, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section six (6) of an Act entitled, "An Act to amend an Act concerning circuit courts, and to fix the time of holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879,

6 as amended by Act approved June 11, 1897, in force July 1, 1897, as amended
7 by Act approved May 14, 1903, in force July 1, 1903, as amended by Act ap-
8 proved April 22, 1907, in force July 1, 1907, be and the same is hereby
9 amended to read as follows:

10 Sec. six (6). In the county of Vermilion, on the third Monday of January,
11 the third Monday of May, the first Monday of October; in the county of Edgar,
12 on the second Monday of February, the first Monday of June and second Mon-
13 day in November; in the county of Clark, on the *second* Monday of March, the
14 *second* Monday in *July* and the *second* Monday in *November*; in the county of
15 Cumberland, on the first Monday of June and the fourth Monday of Novem-
16 ber; in the county of Coles, on the third Monday of April, the second Monday
17 of October and second Monday of January: *Provided*, no grand jury shall be
18 summoned for the January term of Coles county, unless ordered by the
19 court: *Provided, further*, that no grand jury or petit jury shall be summoned
20 for the February term of Edgar county, unless ordered by the judge assigned
21 to hold such term of court: *And, provided, further*, that no grand or petit jury
22 shall be summoned for the *July* term of Clark county, unless ordered by the
23 judge assigned to hold such term of court, in writing, at least thirty days prior
24 to the first day of such *July* term of court.

- 1 Introduced by Mr. Hutzler, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend sections 6 and 19 of an Act entitled, "An Act to revise the law in relation to divorces," approved March 10, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 6 and 19 of an Act entitled, "An Act to revise the law in relation to divorces," approved March 10, 1874, in force July 1, 1874, be and the same are hereby amended to read as follows:

5 Sec. 6. The process, practice and proceedings under this Act shall be the
6 same as in other cases in chancery, except as herein otherwise provided, and
7 except that the answer of the defendant need not be on oath: *Provided, how-*
8 *ever, that excepting where the cause for divorce is bigamy or conviction of a*
9 *felonious or other infamous crime, no evidence on any bill for divorce shall be*
10 *decreed within one year from the date of the filing of the bill or petition.*

11 Sec. 19. When a divorce is granted to a woman who shall, in good faith,
12 have intermarried with a man having, at the time of such marriage, another
13 wife or wives living, the court may, nevertheless, allow the complainant ali-
14 mony and maintenance, the same as in other cases of divorce; but no such
15 allowance shall be made as will be inconsistent with the rights of such other
16 wife or wives, which shall first be ascertained by the court before the granting
17 of such alimony or maintenance. And any and all allowance or allowances, as
18 made, may be made by the court for the attorney, or counsel fees shall be paid
19 under the order of the court at such times that the court may designate in
20 said order.

- 1 Introduced by Mr. Ireland, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Claims.

A BILL

For an Act entitled, "An Act to appropriate three thousand dollars for the relief of Henry Stringer, formerly an employe of the State of Illinois, at Lincoln Feeble Minded Institution."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of three thousand dollars is hereby appropriated for the relief of Henry Stringer, formerly an employe of the State of Illinois, at the Institution for the Feeble Minded at Lincoln, to be paid out of moneys not otherwise appropriated.

- 1 Introduced by Mr. Kannally, April 1, 1909.
- 2 Read by title, ordered printed and reported to Committee on Farm Drainage.

A BILL

For an Act to amend an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885, by adding a section thereto to be known as section 27, providing for an appeal from special assessments.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885, be amended by adding thereto a section, to be known as section 27, to read as follows:

6 Sec. 27. (101). WHO MAY APPEAL—BOND—PROCEEDINGS—COST.] Any
7 party against whose land a tax has been thus levied may, within ten
8 days after the list has been deposited with the town clerk, appeal to the

9 county court, by filing a bond in double the amount of tax appealed from in
10 the county clerk's office, but the appeal shall be upon the ground only that such
11 tax is a greater amount than the benefits to accrue to the land in question by
12 the proposed drainage.

13 Appeals taken to the county court, under the provisions of this Act, may
14 be heard at any term thereof: *Provided*, ten days has intervened from the
15 time of taking such appeal and the first day of the term; and if not ten days,
16 then such appeal shall be heard at the next term and trial shall be conducted
17 as in other cases of appeals.

18 If the court finds that the tax exceeds the benefits to accrue, the court shall
19 modify the same, so as to make it equal to the benefits, and the costs may be
20 apportioned by the court in its discretion: *Provided*, that in any proceedings
21 under this Act, where the costs have been unnecessarily or improperly made,
22 such costs may be adjudged against the party making the same, but the taking
23 of any appeal by any person or persons, as herein provided, shall not operate
24 to delay the collection of any tax from which no appeal has been taken nor
25 delay the progress of the work.

- 1 Introduced by Mr. Kittleman, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to amend section one of an Act entitled, "An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads, in part or in whole, in this State and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith," approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one of an Act entitled, "An Act to establish and regulate the maximum rate of charges for the transportation of passengers by corporations or companies operating or controlling railroads, in part or in whole in this State, and to provide penalties for the violation of the provisions thereof, and repealing all Acts and parts of Acts in conflict herewith," approved May 27, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

9 Section 1. That it shall hereafter be unlawful for any corporation or com-
10 pany engaged in the carriage of passengers upon any railroad or railroads be-
11 tween points in this State, to charge in excess of two cents (2c) per mile for
12 the carriage of adult passengers where any passenger has purchased a ticket
13 entitling him to carriage, or in excess of one cent (1c) per mile for the carriage
14 of a passenger under twelve (12) years of age where such passenger has pur-
15 chased a ticket entitling him to carriage: *Provided*, that the charge in no
16 case shall be less than five cents (5c) and in determining the charge, fractions
17 of less than one-half ($\frac{1}{2}$) mile shall be disregarded and all other fractions
18 counted as one (1) mile: *And, provided, further*, that members of the Illinois
19 National Guard and the Illinois Naval Reserve shall be transported between
20 points in this State, at a rate not to exceed one (1) cent per mile, when traveling
21 pursuant to lawful orders from the Commander-in-Chief, and shall, when so
22 traveling, be entitled to demand and receive the same character of accommo-
23 dations and services as are accorded the general traveling public.

24 If any passenger shall have failed to purchase a ticket entitling him to
25 carriage, a rate of three (3) cents per mile may be charged and collected.

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- 1 Introduced by Mr. Kleeman, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act fixing the maximum rate of fare to be charged by railroad companies, or corporations in this State, and within the limits of all cities in this State.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the maximum rate of fare to be charged by
3 all railroad companies, or corporations in this State, for the carrying of pas-
4 sengers within the limits of any city of this State shall in no case exceed the
5 sum of five (5) cents for each passenger so carried.

- 1 Introduced by Mr. Kleeman, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Drainage and
Waterway.

A BILL

For an Act to amend section six (6) of an Act entitled, "An Act in relation to sanitary district of Chicago, to enlarge the corporate limits of said district, and to provide for the navigation of the channels created by such district, and to construct dams, water wheels and other works necessary to develop and render available the power arising from the water passing through its channels, and to levy taxes therefor," approved May 14, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section six (6) of an Act entitled, "An Act
3 in relation to the sanitary district of Chicago, to enlarge the corporate limits
4 of said district, and to provide for the navigation of the channels created by
5 such district, and to construct dams, water wheels and other works necessary
6 to develop and render available the power arising from the water passing

7 through its channels, and to levy taxes therefor," approved May 14, 1903, in
8 force July 1, 1903, be and the same is hereby amended so as to read
9 as follows:

10 Sec. 6. That the power made available by the works constructed under
11 the provisions of this Act shall be converted into electrical energy, and shall
12 be transmitted to the various cities, villages and towns within said sanitary
13 district, or adjacent to the main channel of said sanitary district, and *shall* be
14 used in the lighting of said cities, villages and towns, or parts thereof, or for
15 the operation of pumping plants or machinery used for municipal purposes
16 or for public service.

17 *Provided, however,* that it shall be the duty of said sanitary district to
18 utilize so much of said power as may be required for that purpose to operate
19 the pumping stations, bridges and other machinery of said sanitary district.

Offered by Mr. Kleeman, April 22, 1909.

Amend House Bill No. 504 by striking out all after the enacting clause and by adding the following:

That section 6 of an Act in relation to the sanitary district of Chicago, to enlarge the corporate limits of said district and to provide for the navigation of the channels created by such district and to construct dams, water wheels and other works necessary to develop and render available the power arising from the water passing through its channels and to levy taxes therefor," approved May 14, 1903, in force July 1, 1903, be and the same is hereby amended to read as follows:

Sec. 6. That the power made available by the works constructed under the provisions of this Act shall be transmitted to the county, cities, villages and towns within said sanitary district and *shall be sold* to said county, cities, villages and towns, or parts thereof for the *purpose of lighting* said county, cities, villages and towns, or for parts thereof, or for the operation of pumping plants or machinery used for municipal purposes or for public service: *Provided, before said power or electrical energy shall be sold, the sanitary district trustees of said sanitary district shall cause to be published annually a notice for five consecutive days in some daily secular paper published within said sanitary district, notify the presidents, chairmen, trustees and commissioners of said county, villages and towns and the mayors, trustees, councilmen or aldermen of said cities within said sanitary district that said sanitary district trustees of said sanitary district, have and offer for sale a certain*

amount of power or electrical energy (naming the amount of horse power) which can be purchased by said county, cities, villages or towns, at a minimum rate, (naming price per horse power) which shall not exceed the amount of the cost of the production of said power or electrical energy, and said sanitary district trustees shall also cause a copy of said notice or publication to be mailed to the presidents, chairmen, trustees, commissioners of said county, villages, towns and the mayors, trustees, councilmen and aldermen of said cities, and if said county, cities, villages or towns shall not purchase or consummate a contract in writing for the purchase of said power or electrical energy or a part thereof, within sixty days from the last publication of said notice, then the power or electrical energy or the surplus thereof, which has not been purchased or contracted for by said county, cities, villages or towns, may be disposed of to any other person or corporation, upon such terms and conditions as may be agreed to by the said sanitary district: *Provided, however,* that it shall be the duty of said sanitary district to utilize so much of said power as may be required for that purpose to operate the pumping stations, bridges and other machinery of said sanitary district.

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- 1 Introduced by Mr. Kowalski, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to regulate and control the sale of certain articles of food.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person, firm, company or corporation shall
3 sell, offer or expose for sale in any sealed glasses, cans, bottles or packages,
4 any articles of food consisting of fish, meat, fruit or vegetables, unless there
5 shall be placed or stamped on the outside of said glass, or can, bottle or pack-
6 age, in plain letters of not less than two-line pica type in size, the true date
7 of the packing and sealing of such glass, can, bottle or package, and the name
8 of the article contained therein.

Sec. 2. Whoever shall violate any of the provisions of the foregoing sec-
2 tion shall be deemed guilty of a misdemeanor and upon conviction thereof
3 shall be fined not less than five (\$5.00) dollars nor more than fifty (\$50.00) dol-
4 lars for each and every offense.

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- 1 Introduced by Mr. Kowalski, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to protect the public from imposition in relation to canned and preserved
food and other articles of food.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall hereafter be unlawful in this State
3 for any packer or dealer in preserved or canned fruits, meats or vegetables or
4 other articles of food, to offer such canned articles for sale after July 1, 1909,
5 with the exception of goods brought from foreign countries, or packed prior
6 to the passage of this Act, unless such articles shall bear a stamp to indicate
7 the date that the said canned fruits or vegetables or such other articles of food
8 were canned or packed.

Sec. 2. Any person, firm or corporation who shall falsely stamp or label
2 such cans or jars containing the preserved fruit or food of any kind, or know-
3 ingly permit such false stamp or label, and any person, firm or corporation

4 who shall violate any provisions of this Act, shall be deemed guilty of a mis-
5 meanor and punished with a fine of not less than twenty-five (25) dollars nor
6 more than two hundred (200) dollars; and it shall be the duty of the Board of
7 Health in this State, cognizant of any violation of this Act, to prosecute any
8 person, firm or corporation, which it has reason to believe has violated any
9 provision of this Act, and after deducting the costs of the trial and conviction,
10 to retain for the use of such board the balance of the fine or fines recovered.

Introduced by Mr. Lantz, April 1, 1909.

Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to enforce publicity in the operation and business conduct of life insurance companies.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That every life insurance company or as-
3 sociation chartered by this State or licensed to transact business herein, shall mail
4 to each of its policy holders, on or before the 20th day of each month, a printed
5 statement, setting forth its receipts from every source and disbursements for
6 each and all purposes for each last preceding calendar month. Said statement
7 shall show the complete income of the company for the month covered by the same,
8 classified and subdivided by heads or titles, according to the regular or special ac-
9 counts and records of income kept or maintained by said company, and shall also
0 show disbursements for all purposes for the same period of time, the same to be
1 classified, and subdivided by heads or titles, according to the regular or special
2 accounts and records of disbursements kept or maintained by said company.

Sec. 2. Each year, within sixty days after the first day of January, every life insurance company or association shall mail to each of its policy holders a printed statement, reporting the total financial transactions of the company on each and all accounts, separately, for the complete last preceding year. Such statement shall show the annual receipts and disbursements on each account, and the gain or losses on each account, such as interest, mortality, investments, surrenders or lapsed policies, loading or charge for expenses of management, and on such other accounts as will permit such a showing to be made.

Sec. 3. Every life insurance company or association chartered by this State or licensed to transact business herein, shall maintain a complete mailing list of all of its policy holders, such list to be classified and subdivided according to states and post offices arranged in alphabetical order, and to include in alphabetical arrangement the names of all policy holders with the last known post office address of each. Each company shall also maintain a separate mailing list of its officers, agents and employees, except clerical employees working in the home office, or branch or agency office, said list to be classified, subdivided and alphabetically arranged as to states, names and post office addresses in the same manner as its mailing lists of policy holders, except that the mailing list of officers, agents and employees shall show, in each case, the position with the company held by each of said officers, agents and employees.

Sect. 4. Every life insurance company or association chartered by this State or licensed to transact business herein, shall make complete revisions of the mailing list of its policy holders and of its officers, agents and other employees, maintained as provided in Section 2 of this Act, in the months of January and July of each year, or semi-annually at such other times as may be permitted by the

6 Superintendent of Insurance. For such purpose the company shall furnish to its
7 officers, agents or other employes, or to any agency or branch offices maintained
8 by it, or shall mail direct to the last known post office addresses of its policy hold-
9 ers, such divisions or parts of its mailing lists as may be assigned for revision to
10 such officers, agents, or other employes, or to agency or branch offices, or to pol-
11 icy holders, with suitable blank forms on which to verify or secure reports of the
12 correct post office addresses of all policy holders, agents and other employes,
13 whose names and last known post office addresses are required to be carried and
14 maintained by each company or association in mailing list form.

Sec. 5. Each company or association shall file with the Superintendent of
2 Insurance, semi-annually, after each revision of its mailing list or lists, a state-
3 ment certifying to the completion of such revision. Such statements shall be
4 signed by the president and secretary of the company, and they shall be filed
5 not later than the first days of March and September of each year, or before
6 the expiration of sixty days from the first days of January and July of each
7 year, whichever shall last occur, or as otherwise permitted by the Superintend-
8 ent, as provided in Section 4 of this Act.

Sec. 6. It shall be the duty of each life insurance company or association
2 doing business in this State, to supply to any policy holder whose contract of
3 insurance is in full force and effect, upon application therefor, partial or com-
4 plete mailing lists as may be desired of those policy holders, officers, agents and
5 other employes residing in and working for said company in the state in which
6 such application originated: *Provided*, That the company shall not be re-
7 quired to furnish such lists except upon submission of proof that the policy
8 holder applying therefor desires to communicate with the other policy holders

9 or officers, agents or employes of said company, exclusively in regard to and
10 concerning the business or affairs of the company: *Provided, further,* That
11 the policy holder making application for such partial or complete state mailing
12 list or lists, in the event that his application be denied, may appeal from the de-
13 cision of the company to the Superintendent of Insurance, and the decision of
14 the Superintendent on such appeal shall be binding upon the company, and upon
15 the receipt by the company of written order, signed by the Superintendent,
16 such partial or complete state mailing lists as have been applied for shall be
17 furnished to the applicant. Failure of any company to comply with such writ-
18 ten order shall cause the Superintendent to forthwith annul the license or permit
19 of such company to transact business in this State.

Sec. 7. Life insurance companies not now chartered or licensed to transact
2 business in this State, shall not be licensed to do business herein until they shall
3 have complied with the provisions of this Act. Proof of compliance shall be
4 the filing with the State Superintendent of complete certified copy of mailing
5 lists, as provided in Section 2 of this Act, revised to the first day of January
6 or July of the year current, whichever date shall last occur preceding the filing
7 of application for charter or license to transact business in this State. Every
8 life insurance company now transacting business in this State shall conform to
9 and comply with the provisions of this Act on and after January 1, 1910. This
10 Act shall become effective on January 1, 1910, and shall continue in force there-
11 after until amended or repealed, and all provisions of law conflicting with the
12 provisions of this Act shall be and are hereby repealed on and after said date.

AMENDMENT TO

64th Assem.

HOUSE—No. 507

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 507 by adding after the word “date” in line 12 of section 7 of the printed bill the following: “The term life insurance company or association as used in this Act shall not be construed to embrace or apply to fraternal beneficiary societies.”

- 1 Introduced by Mr. Lantz, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to amend section 4 of "An Act to revise the law in relation to county surveyors, and the custody of the United States field notes."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 4 of "An Act to revise the law in re-
3 lation to county surveyors and the custody of the United States field notes,"
4 approved March 2, 1874, be and the same is hereby amended so as to read as
5 follows:

6 Sec. 4. It shall be the duty of the county surveyor, either by himself or
7 his deputy, to make all surveys that he may be called upon to make within his
8 county, as soon as may be after application is made. *He shall also be the*
9 *county engineer ex officio, and shall be the successor to and perform the duties*
10 *of all commissioners of highways as provided by "An Act in regard to roads*

11 and bridges in counties under township organization, and to repeal an Act and
12 parts of Acts therein named," approved June 23, 1883, and, also, by "An Act
13 to provide for the organization of road districts, the election and duties of
14 officers therein, and in regard to roads and bridges, in counties not under town-
15 ship organization, and to repeal an Act and parts of Acts therein named." ap-
16 proved May 4, 1887.

Sec. 2. All Acts and parts of Acts in conflict herewith, are hereby repealed.

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- 1 Introduced by Mr. Lantz, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to amend section (5) of an Act entitled, "An Act to regulate the manufacture, transportation and sale of explosives, and to punish an improper use of the same," approved June 16, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section five (5) of an Act entitled, "An Act
3 to regulate the management, transportation, use and sale of explosives, and to
4 punish an improper use of the same." approved June 16, 1887, in force July 1,
5 1887, be and the same is hereby amended to read as follows:

6 Sec. 5. That no person, firm, company or corporation shall keep or store
7 within the limits of any incorporated city or village, any dynamite, nitro-chlo-
8 rate, nitro-glycerin, or any other explosive compound or fluid, in a greater
9 quantity than one hundred (100) pounds of dynamite, or its equivalent, in ex-
10 plosive force of any other compound or fluid, at any one time or any one place

11 less than five hundred yards distant from such other place where such explosive
12 compounds or fluids are kept and stored; nor more than one thousand (1,000)
13 pounds of such explosive compound or its equivalent in explosive force of any
14 other explosive compound or fluid within five hundred (500) yards of any in-
15 habited dwelling house outside the limits of any city or village. Any violation
16 of this section shall be deemed a misdemeanor, and shall be punished by a
17 fine of not less than one hundred dollars (\$100) and not more than five hun-
18 dred dollars (\$500), or imprisonment in the county jail not more than one year
19 or both, in the discretion of the court.

AMENDMENT TO

46th Assem.

HOUSE—No. 509

May 1909

Adopted May 19, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 509 by inserting in line one of section 5, after the word
“shall.” the word “use.”

1 Introduced by Mr. Lantz, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Municipal
Corporations.

A BILL

For an Act regulating the locating, operating and maintaining of public places of
amusement.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person, firm, cor-
3 poration or association, either directly or indirectly, to locate, construct, oper-
4 ate or maintain any park, building, grounds or enclosure for purposes of amuse-
5 ment within one thousand (1,000) feet of any public hospital, church or ceme-
6 tery, and any person violating this Act shall be guilty of a misdemeanor and
7 shall be liable to a fine of not less than \$200, nor more than \$1,000, and each
8 day that any park, building, grounds or enclosure used for amusement located,
9 constructed, operated or maintained as aforesaid contrary to this Act shall
10 be a separate offense.

-
- 1 Introduced by Mr. Liggett, by request, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.
-

A BILL

For an Act providing for the election of village marshals.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That in all villages incorporated under the gen-
3 eral law entitled, "An Act for the incorporation of cities and villages," ap-
4 proved April 16, 1872, in force July 1, 1872, a village marshal shall hereafter
5 be elected, annually, at the same time and place, and in the same manner, as
6 provided by law for the election of village trustees.

- 1 Introduced by Mr. Lyon April 1, 1909.
- 2 Read by title, ordered printed and to lie on Speaker's Table.

A BILL

For an Act to provide for the creation by petition of legal voters, of Anti-Saloon Territory, within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the discontinuance by like means of territory so created.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* The words and phrases mentioned in
3 this section as used in this Act and in proceedings pursuant hereto shall, unless the
4 same be inconsistent with the context, be construed as follows:

5 “Anti-Saloon Territory” shall mean all territory within the limits of any mu-
6 nicipal corporation in which, through the action of the legal voters therein, as pro-
7 vided by this act, the sale of intoxicating liquor, except as herein provided, is
8 prohibited.

9 “Intoxicating liquor” shall include all distilled, spirituous, vinous, fermented
10 and malt liquors.

11 “Town” shall mean an incorporated town.

12 “Municipal Corporation” shall mean an incorporated city, village or town.

13 “Clerk” shall mean the town, city or village clerk, as the case may be. And
 14 it shall mean the board of election commissioners of any city, village or incorpor-
 15 ated town in this State in which there now is or may hereafter be a board of elec-
 16 tion commissioners; and in the provisions of this act applicable to or within any
 17 such city, village, or incorporated town, “legal voter” shall mean a duly regis-
 18 tered legal voter.

19 “Residence district” shall mean any clearly described, contiguous, compact
 20 section or territory in a municipal corporation bounded by street or corporate
 21 lines and containing not fewer than three hundred legal voters, nor more than
 22 five thousand legal voters and not containing—

23 (1) any block in which one-half or more of the foot-frontage of such block is
 24 occupied by buildings and premises actually devoted to commercial, mercantile or
 25 other business purposes not including saloons;

26 (2) the property or premises abutting on a section of a street lying, from
 27 street to street, between two consecutive cross or intersecting streets or abutting
 28 for a continuous distance of five hundred feet or over along a street, when sixty-
 29 five per cent, excluding alleys, of the foot-frontage of such abutting property and
 30 sixty-five per cent of that immediately opposite, excluding streets and alleys, is oc-
 31 cupied for and devoted to commercial, mercantile and other business purposes, not
 32 including saloons.

33 *Provided, however,* that when, under the provisions of subdivision (2) any
 34 property or premises shall be excluded from a proposed residence district, lot
 35 lines may be used in bounding the district on the side or sides adjacent to such ex-
 36 cluded property or premises;

37 *Provided, further,* That parks and property devoted to educational, religious
 38 or charitable uses and buildings more than one-half of the floor space of which is
 39 used for residence purposes, shall, for the purposes of this Act, be counted as
 40 residence property;

41 *And, provided, further,* That the maximum length of a residence district shall
 42 not exceed three times its maximum width unless the boundaries of the municipal
 43 corporation or excluded territory prevent the district from containing the requis-
 44 ite number of legal voters.

45 “Block” shall mean the territory bounded by four well recognized adjacent
 46 streets and not alleys.

47 “Saloon” shall mean a place for which a dram-shop license has been issued
 48 according to law for the sale of intoxicating liquors. •

Sec. 2. Whenever a majority of the legal voters of any residence district of
 2 any municipal corporation shall sign a petition in favor of the creation of Anti-
 3 Saloon Territory in such residence district and shall file such petition with a map
 4 or drawing showing the outlines of such residence district with the judge of the
 5 county court of the county in which such municipal corporation is situated, such
 6 judge shall examine the petition at a public hearing and decide upon the suf-
 7 ficiency of such petition and cause a copy of his findings to be filed with the clerk
 8 of such municipal corporation. If such findings be that such petition is sufficient,
 9 the district described in the map or drawing filed with said petition shall, on the
 10 thirtieth day after the date of the filing with the clerk of the findings of the judge,
 11 become Anti-Saloon Territory. •

Sec. 3. Whenever a majority of the legal voters of any residence district in
 2 which Anti-Saloon Territory has been created under the provisions of the preced-

ing section of this Act, shall sign a petition for the discontinuance of Anti-Saloon Territory in the same residence district and shall file such petition with the judge of the county court of the county in which such Anti-Saloon Territory is located, the judge shall examine the petition at a public hearing and decide upon the sufficiency of the petition and cause a copy of his findings to be filed with the clerk of the municipal corporation in which such residence district is situated. The petition provided for in this section shall not be filed until two years or more shall have elapsed after the creation of Anti-Saloon Territory as provided for in the preceding section of this Act. The petition mentioned in this section, and the petition mentioned in the preceding section, shall be public documents and shall be subject to the inspection of the public.

Sec. 4. The provisions of this Act creating or discontinuing Anti-Saloon Territory shall become operative on the thirtieth day after the date of the filing with the clerk of a copy of the findings of the judge.

Sec. 5. A petition in favor of the creation of Anti-Saloon Territory in a residence district substantially as follows shall be sufficient:

“A petition to create Anti-Saloon Territory in a residence district of the municipal corporation of in the State of Illinois.

To the County Judge of the County of..... Date.....

We, the undersigned, respectfully represent that we are legal voters in the following residence district, to-wit:.....

 in the municipal corporation of, county of,
 State of Illinois, and that we are in favor of the creation of Anti-Saloon Territory in said residence district.”

12 A petition for the discontinuance of Anti-Saloon Territory in a residence dis-
13 trict substantially as follows shall be sufficient:

14 “A petition to discontinue Anti-Saloon Territory in a residence district of
15 the municipal corporation of..... in the State of
16 Illinois.

17 To the County Judge of the County of..... Date.....

18 We, the undersigned, respectfully represent that we are legal voters of the
19 following residence district, to-wit:.....
20
21 in the municipal corporation of....., in the county of.....,
22 State of Illinois, and we are in favor of the discontinuance of Anti-Saloon Terri-
23 tory in said residence district.”

24 Such petition (for the creation or for the discontinuance of Anti-Saloon
25 Territory, as the case may be) shall consist of sheets having such form printed
26 or written at the top thereof and shall be signed by the legal voters in their own
27 proper persons only, and opposite the signature of each legal voter shall be
28 written his residence address (stating the street and the house number if there be
29 such) and the date of signing the same. No signature shall be valid or be count-
30 ed in considering such petition unless these requirements are complied with
31 and unless the date of signing is less than three months preceding the date of
32 filing the same. At the bottom of each sheet of such petition shall be added a
33 statement, signed by a resident of the county in which the signers thereof re-
34 side, with his residence address as aforesaid, stating that the signatures on that
35 sheet of the said petition are genuine, and that to the best of his knowledge and
36 belief the persons so signing were at the time of signing said petition legal

37 voters (and in municipal corporations in which voters are or may hereafter be
38 required to be registered, that they were at the time of signing said petition duly
39 registered legal voters) of the said municipal corporation; and that their re-
40 spective residences are correctly stated therein and that each signer signed the
41 same on the date set opposite his name. Such statement shall be sworn to
42 before some officer residing in the county where such legal voters reside,
43 authorized to administer oaths therein. Such petition, so verified, or a copy
44 thereof, duly certified as hereinafter provided, shall be *prima facie* evidence that
45 the signatures, statements of residence and dates upon such petition are genuine
46 and true and that the persons signing the same are legal voters of such resi-
47 dence district. Such sheets shall be fastened together in one document, filed as
48 a whole and when filed shall not be withdrawn or added to. No signature shall
49 be revoked except by a revocation filed with the judge with whom the petition is
50 required to be filed and before the filing of such petition. Upon request of any
51 one filing such a petition and verified statement and paying or tendering to the
52 clerk of the county court one dollar for each one hundred names, or fraction
53 thereof, signed thereto, together with a copy thereof, the clerk of the county
54 court shall immediately compare the original and copy and attach to such copy
55 and deliver to such person his official certificate that such copy is a true copy of
56 the original, stating the day when such original was filed with the county judge.
57 Whoever in making the sworn statement above prescribed shall knowingly, will-
58 fully and corruptly swear falsely shall be deemed guilty of perjury and on con-
59 viction thereof shall be punished accordingly. Whoever forges the signature
60 of any person upon any petition or statement provided for in this Act shall be
61 deemed guilty of forgery and on conviction thereof shall be punished accord-
62 ingly. The expense incurred for the publication of notices for the hearing on the

63 petition as hereinafter required shall be paid out of the general revenue fund of
64 the municipal corporation upon the order of the judge passing upon the petition.

Sec. 6. When any petition referred to in this Act has been filed with the judge
2 of the county court, the judge shall forthwith cause a notice of the hearing on such
3 petition to be published in two newspapers, if there be two, if not, in one (of dif-
4 ferent party politics if possible) published in the municipal corporation, which
5 notice shall set forth the time when and the place where the judge will consider
6 the petition, at which time he shall hear any person or persons as to the question
7 of the petitioners being legal voters of the residence district, or any other matter
8 which may be brought before the judge for determination relating to the suffi-
9 ciency of the petition. The judge shall decide whether the petitioners at the time
10 said petition was filed were legal voters of the residence district and were a ma-
11 jority of such legal voters residing in the residence district; and the judge shall
12 cause his findings to be recorded in the records of his court, and in case such
13 judge shall find such petition to be sufficient he shall cause a certified copy or
14 certificate of his findings, together with the original petition, to be filed with the
15 clerk of the municipal corporation in not less than five days after such finding and
16 not more than forty days from the filing of the petition with the judge. The find-
17 ings of the County Judge relating to the sufficiency of the petitions provided for
18 herein shall be final.

19 A certificate of the findings of the judge in substantially the following form
20 shall be sufficient:

21 "This is to certify that I have examined the petition which is attached here-
22 to, at a public hearing duly announced, and hereby find on theday of
23 A. D. that the petition meets the requirements of the law
24 and that a majority of the voters of the following residence district, to-wit:

25in the municipal corporation of county
26 of, State of Illinois, are in favor of (the creation or the dis-
27 continuance as the case may be) of Anti-Saloon Territory in such residence dis-
28 trict.”

29 Date
30

Official Signature.

31 The clerk shall forthwith upon receiving the certificate of the decision of the
32 sufficiency of the petition, record said petition, together with the map or drawing
33 filed therewith and the said certificate of such decision, in a well bound book to be
34 kept in his office by himself and his successors, and shall certify of record to the
35 correctness of the same substantially as follows:

36 “I hereby certify that the foregoing is a correct copy of the petition relating
37 to the (creation or discontinuance as the case may be) of Anti-Saloon Territory
38 in the following residence district, to-wit:in the
39 municipal corporation of.....and the findings of the judge on such
40 petition.”

41
42

Official signature.

Sec. 7. The findings of the judge upon the petition may be proved in all
2 courts and in all proceedings by such record or by the official certificate of the
3 clerk, and such record or certificate shall be *prima facie* evidence that the resi-
4 dence district to which such petition was applicable has become or has ceased to
5 be Anti-Saloon Territory, as the case may be.

Sec. 8. All of the territory within any residence district which has become
2 Anti-Saloon Territory under the provisions of this Act shall continue to be Anti-

3 Saloon Territory until the legal voters thereof have petitioned according to the
4 provisions of this Act, to discontinue such Anti-Saloon Territory. In all Anti-
5 Saloon Territory, during the time that it continues to be Anti-Saloon Territory,
6 the operation of all ordinances providing for the restriction, regulation or prohi-
7 bition of the sale of intoxicating liquor or for the issuing of dram shop licenses
8 within any portion or the whole of such territory, so far as inconsistent with its
9 status as Anti-Saloon Territory, shall be suspended. When any residence district
10 shall under the provisions of this Act cease to be Anti-Saloon Territory, all or-
11 dinances providing for the restriction, regulation or prohibition of the sale of in-
12 toxicating liquor or for the issuing of dram shop licenses, the operation of which
13 was in any wise suspended within such residence district by virtue of the peti-
14 tion therein to become Anti-Saloon Territory, with all additions and amendments
15 which in the meantime may have been made thereto, shall, if not in the meantime
16 repealed, become and be in force to the same extent, only, however, as the same
17 would then be in force had such residence district never become Anti-Saloon Ter-
18 ritory. The territory enclosed by the boundary of any residence district within
19 which Anti-Saloon Territory has been created as provided for in Section two of
20 this Act, shall be controlled by the result of such action, and the law shall remain
21 in full force and effect in said residence district for two years from the time
22 when such Anti-Saloon Territory was so created and thereafter until another pe-
23 tition is presented and held sufficient under the provisions of Section three of this
24 Act in said residence district; and after a petition for the discontinuance of Anti-
25 Saloon Territory has been presented as herein provided and held sufficient by the
26 judge another petition for the creation of Anti-Saloon Territory in such residence
27 district cannot be presented for two years after the findings of the judge on such
28 petition have been filed with the clerk.

Sec. 9. It shall not be lawful to sell intoxicating liquor in any quantity
2 whatever nor to grant or issue, or cause to be granted or issued, any license to
3 sell intoxicating liquor in any quantity whatever within the limits of any resi-
4 dence district while the same is Anti-Saloon Territory, and if any such license
5 be granted or issued in violation hereof the same shall be void.

Sec. 10. Whoever shall, by himself or another, either as principal, clerk
2 or servant, directly or indirectly, sell, barter or exchange any intoxicating liquor
3 in any quantity whatever within the limits of any residence district in this State,
4 while the same is Anti-Saloon Territory, shall be fined not less than twenty dol-
5 lars (\$20) nor more than one hundred dollars (\$100), or imprisoned in the
6 county jail for not less than ten (10) days, nor more than thirty (30) days, or
7 both, in the discretion of the court. If any person shall be convicted of violat-
8 ing any provision of this section and shall subsequently violate any provision of
9 this section he shall, upon conviction thereof, be fined not less than fifty dollars
10 (\$50) nor more than two hundred dollars (\$200) and imprisoned in the county
11 jail for not less than ten (10) days, nor more than thirty (30) days. And in
12 like manner, if he shall subsequently violate any provision of this section, for such
13 third and each subsequent violation he shall upon conviction thereof be fined not
14 less than one hundred dollars (\$100), nor more than two hundred dollars (\$200),
15 and imprisoned in the county jail for not less than thirty (30) days nor more than
16 ninety (90) days.

Sec. 11. The giving away or delivery of any intoxicating liquor for the
2 purpose of evading any provision of this Act, or the taking of orders or the
3 making of agreements, at or within any residence district while the same is
4 Anti-Saloon Territory, for the sale or delivery of any intoxicating liquor, or

5 other shift or device to evade any provision of this Act, shall be held to be an
6 unlawful selling.

Sec. 12. All places where intoxicating liquor is sold in violation of any
2 provision of this Act shall be taken and held and are declared to be common
3 nuisances and may be abated as such and whoever shall keep any such place, by
4 himself or his agent or servant, shall, for each offense, upon conviction thereof,
5 be fined not less than fifty dollars (\$50) nor more than one hundred dollars
6 (\$100) and confined in the county jail for not less than twenty (20) days, nor
7 more than fifty (50) days, and it shall be a part of the judgment, upon the con-
8 viction of the keeper, that the place where liquor is found to have been sold con-
9 trary to this Act, be shut up and abated until the keeper shall give bond, with
10 sufficient security to be approved by the court, in the penal sum of one thousand
11 dollars (\$1,000), payable to the People of the State of Illinois, conditioned that
12 he will not sell intoxicating liquor contrary to law, and will pay all fines, costs
13 and damages assessed against him for any violation thereof; and in case of a
14 violation of the condition of such bond, suit may be brought and recovery had
15 thereon for the use of the municipal corporation for any fine or fines that may
16 be assessed against him under this Act.

Sec. 13. Any officer who shall refuse or neglect or fail to discharge any
2 duty imposed by this Act, and any one who signs a petition provided for in this
3 Act, knowing that he is not qualified to do so, or who files any such petition or
4 any sheet or other part thereof knowing that it contains the signature of a per-
5 son not qualified to sign the same, or who receives, requests or demands or gives,
6 offers or promises any reward for the signing or the refraining from signing
7 of any such petition, or who by treating or giving intoxicating liquors or any-

8 thing else, or by threats to injure another in person or property, or by betting
9 or other device, either directly or indirectly influences or attempts to influence
10 any one to sign or refrain from signing any such petition, shall upon conviction
11 thereof be fined not less than twenty dollars (\$20), nor more than two hundred
12 dollars (\$200), or imprisoned in the county jail for not less than ten (10)
13 days nor more than ninety (90) days, or both, in the discretion of the court. If
14 any person shall be convicted of violating any provision of this section and shall
15 subsequently violate any provision of this section, for such second and each subsequent
16 violation he shall, upon conviction thereof, be fined not less than twenty
17 dollars (\$20) nor more than two hundred dollars (\$200), and imprisoned in the
18 county jail for not less than ten (10) days nor more than ninety (90) days.

Sec. 14. All offenses defined or mentioned in this Act may be prosecuted in
2 any court of record having criminal jurisdiction, or the fines prescribed in this Act
3 may be sued for and recovered before any court or justice of the peace having
4 jurisdiction thereof, in the name of the People of the State of Illinois; and in
5 case of conviction the offender shall stand committed to the county jail until the
6 judgment and costs are fully paid.

Sec. 15. In all prosecutions under this Act by indictment or otherwise it
2 shall not be necessary to state the kind of liquor sold; nor to describe the place
3 where sold; nor to show the knowledge of the principal to convict for the acts of
4 an agent or servant; nor to state the name of any person to whom liquor was sold;
5 nor to set forth the facts showing that the required number of legal voters in any
6 residence district or a municipal corporation signed a petition in favor of the creation
7 of Anti-Saloon Territory, or that there was a public hearing, or that any
8 finding was made upon such petition, or that a certificate of such findings with the

petition was transmitted to the clerk or a record made of it by the clerk, as herein-
 before provided; but it shall be sufficient to state that the act complained of took
 place in an Anti-Saloon Territory created under this Act. The issuance of an
 internal revenue special tax stamp or receipt by the United States to any person
 as a wholesale or retail dealer in liquors or in malt liquors at any place within
 territory which under the provisions of this Act, at the time of the issuance there-
 of, is Anti-Saloon Territory, shall be *prima facie* evidence of the sale of intoxi-
 cating liquor by such person at such place, or at any place of business of such per-
 son within such territory where such stamp or receipt is posted, and at the time
 charged in any suit or prosecution under this Act: *Provided*, Such time is with-
 in the life of such stamp or receipt.

Sec. 16. Money received from fines and forfeited bonds collected under the
 provisions of this Act shall be paid into the treasury of the municipal corpora-
 tion wherein such fines were imposed or bond forfeited, and shall be applied for
 such purposes as the council or board of trustees thereof may direct.

Sec. 17. Whenever there are pending two or more sufficient petitions under
 Section two of this Act, including common territory, that petition shall have pre-
 cedence which applies to the territory containing the greatest number of legal
 voters. And whenever two sufficient petitions are filed covering the same terri-
 tory under the provisions of Section two of this Act, that petition shall be grant-
 ed which has the greatest number of legal voters' signatures attached thereto.

Sec. 18. Nothing in this Act shall be construed to forbid or prevent the sale
 within Anti-Saloon Territory by druggists to whom permits or licenses therefor
 have been duly granted in the manner provided by law, of liquor for medicinal,
 mechanical, sacramental and chemical purposes only, not to be drunk upon the

5 premises under any circumstances, so long as such druggist in good faith shall
6 keep a true and an exact record in a book which he shall provide for the purpose,
7 in which shall be entered at the time of every sale of intoxicating liquor made by
8 him or in or about his place of business to all persons whomsoever, the date of
9 such sale, the name of the purchaser, and his residence (stating the street and
10 house number, if there be such), the quantity and kind of such liquor and the pur-
11 pose for which the same is sold, and so long as such druggist shall keep such
12 book open to the full and free inspection of the police and all public officers elect-
13 ed and appointed and their deputies and agents during business hours. Nothing in
14 this Act shall be construed to forbid or prevent the sale at wholesale by a manu-
15 facturer who manufactures from the raw materials of the product of his own
16 manufactory located within Anti-Saloon Territory for delivery outside the limits
17 of such territory.

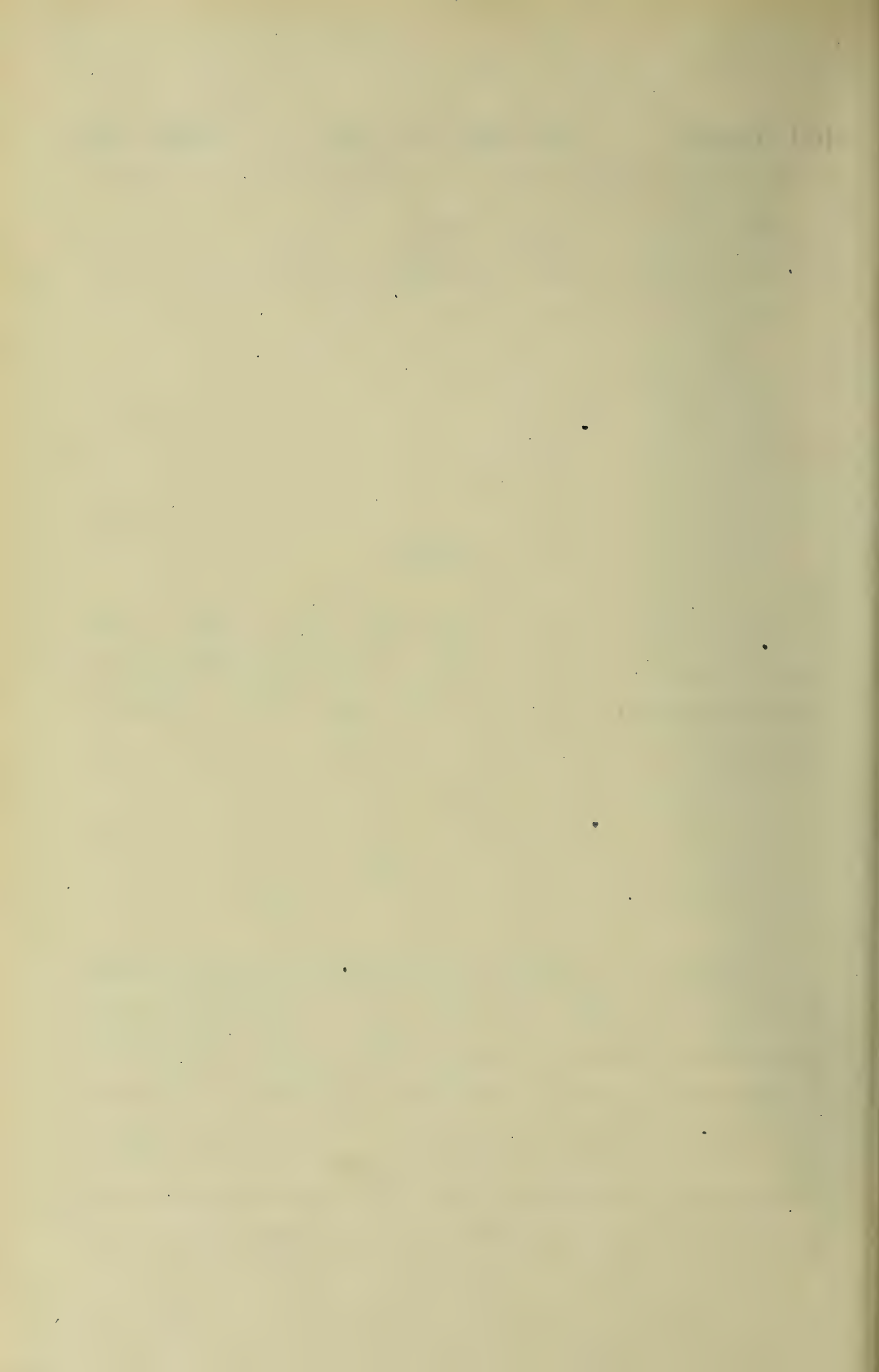
- 1 Introduced by Mr. Lyon, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend article III of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force May 21, 1899, by inserting a new section therein following section six (6) of said article III to be known as section 6½.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That article III of "An Act to establish and maintain a system of free schools," approved and in force May 21, 1899, be and the same hereby is amended by inserting the following section after section 6:

5 Sec. 6½. Said trustees shall receive in full for all services rendered by
6 them, the sum of two dollars and a half (\$2.50) a day for each day necessarily
7 and actually employed in the discharge of the duties of their office.



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- 1 Introduced by Mr. Lyon, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section one of an Act entitled, "An Act to revise the law in relation to quo warranto," approved March 23, 1874, in force July 1, 1874, as said section was amended by an Act entitled, "An Act to amend section one (1) of an Act entitled, 'An Act to revise the law in relation to quo warranto,' approved March 23, 1874, in force July 1, 1874," approved May 27, 1881, in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Section one of an Act entitled, "An Act to revise the law in relation to quo warranto," approved March 23, 1874, in force July 1, 1874, as said section was amended by an Act entitled, "An Act to amend section one (1) of an Act entitled, 'An Act to revise the law in relation to quo warranto,' approved March 23, 1874, in force July 1, 1874," approved May 27, 1881, in force July 1, 1881, is hereby amended to read as follows:

8 Section 1. That in case any person shall usurp, intrude into, or unlawfully
9 hold or execute any office or franchise, or any office in any corporation created
10 by authority of this State (or any person shall hold or claim to hold or ex-
11 ercise any privilege, exemption or license, which has been improperly or
12 without warrant of law issued or granted by any officer, board, commissioner,
13 court or other person or persons authorized or empowered by law to grant
14 or issue such privilege, exemption or license), *or any public officer shall wil-*
15 *fully fail or refuse to perform any public duty imposed upon him by law, or*
16 any public officer shall have done or suffered any Act which, by the provisions
17 of law, works a forfeiture of his office, or any association or number of per-
18 sons shall act within this State as a corporation without being legally incor-
19 porate, or any corporation does or omits any act which amounts to a sur-
20 render or forfeiture of its rights and privileges as a corporation, or exercises
21 powers not conferred by law, or if any railroad company doing business in this
22 State shall charge an extortionate rate for the transportation of any freight
23 or passenger, or shall make any unjust discrimination in the rate of freight
24 or passenger traffic over or upon its railroad, the Attorney General or State's
25 Attorney of the proper county, either of his own accord or at the instance
26 of any individual relator, may present a petition to any court of record of
27 competent jurisdiction, or any judge thereof in vacation, for leave to file an
28 information in the nature of a *quo warranto* in the name of the People of the
29 State of Illinois, and if such court or judge shall be satisfied that there is prob-
30 able ground for the proceeding, the court or judge may grant the petition
31 and order the information to be filed and process to issue. When it appears
32 to the court or judge that the several rights of divers parties to the same office
33 or franchise, privilege, exemption or license, may properly be determined in
34 one (1) information, the court or judge may give leave to join all of such per-
35 sons in the same information, in order to try their respective rights to such
36 office, franchise, privilege, exemption or license.

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- 1 Introduced by Mr. McConnell, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to promote the public health by restricting and regulating the sale of
foods containing chemical preservatives.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person, firm or corporation shall, by him-
3 self, or by his agents or servants, manufacture, sell, ship, consign, offer for sale,
4 expose for sale or have in his possession with intent to sell, for use or consump-
5 tion within the State, any article of food which contains formaldehyde, sul-
6 phurous acid or sulphites, boric acid or borates, salicylic acid or salicylates,
7 saccharine, dulcon, glucin, beta naphthol, abrastol, asaprol, flourides fluober-
8 ates, fluosilicates or other flourine compounds, of any other preservatives in-
9 jurous to health: *Provided, however,* that nothing in this section shall prohibit
10 the use of common salt, wood smoke, sugar vinegar and condimental preserva-
11 tives, such as tumeric, mustard, pepper and other spices.

Sec. 2. The term "food," as used herein, shall include all articles used
2 for food or drink or condiment, by men, whether simple, mixed or compound.

Sec. 3. Every person, firm or corporation and every officer, agent, servant
2 or employe of such person, firm or corporation who violates any of the pro-
3 visions of this Act shall be deemed guilty of a misdemeanor, and upon con-
4 viction thereof, shall be fined not less than twenty-five dollars, nor more than
5 one hundred dollars, or be imprisoned in the county jail not less than thirty
6 days nor more than sixty days.

Sec. 4. Any and all Acts and parts of Acts in conflict herewith, are hereby
2 repealed.

1 Introduced by Mr. McGuire, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Banks and
Banking.

A BILL

For an Act to provide for the stamping of notes, bills of credit and books of
account by assessors, and making the same void when not so stamped.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That all notes, bonds and book accounts shall be
3 assessed in the manner now provided by law, or in the manner that may be
4 hereafter provided by law, and the county clerk of every county in the State
5 of Illinois shall furnish each year, together with the assessment books, to each
6 assessor of his county, a stamp and all necessary materials, properly
7 arranged for stamping the word "assessed," on the evidence of such credit,
8 and the year, month and day when assessed, and made so as to be adjustable
9 for different dates; and it shall be so arranged that a space sufficiently large
10 for the assessor's name shall be left blank upon the seal.

Sec. 2. Each assessor shall stamp the seal upon every note, bill of credit
2 and book of account presented to him for assessment, of which he shall assess
3 in the course of his duty, and shall sign his name upon the blank space of
4 the seal, and when such note, or bill of credit, or book account is lost,
5 the owner thereof shall make an affidavit of such loss, and the affidavit shall
6 be stamped, instead of the instrument lost.

Sec. 3. Every note, bill of credit or book of account, or the affidavit, in
2 case of loss, held by any person in this State on the first day of May in
3 each year, which does not bear the seal of the assessor, as provided in this
4 Act, cannot be collected in any court in this State, and shall not be admitted
5 in evidence in any court of record nor in any court of a justice of the peace
6 in this State.

Sec. 4. This Act shall not be construed to prevent the deduction of debts
2 as now provided by law in making up the total amount of property to be as-
3 sessed to any person.

- 1 Introduced by Mr. McMackin, April 1, 1909.
- 2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act to amend section twenty-seven (27) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, as amended by an Act approved May 15, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section twenty-seven (27) of "An Act to re-
3 vise the law in relation to counties," approved and in force March 31, 1874, as
4 amended by an Act approved May 15, 1903, in force July 1, 1903, be, and the
5 same is hereby amended to read as follows:

6 Sec. 27. RAISING TAX IN ADDITION TO CONSTITUTIONAL LIMIT.] Whenever the
7 county board shall deem it necessary to assess taxes the aggregate of which
8 shall exceed the rate of seventy-five cents per one hundred dollars valuation of the
9 property of the county, except when such excess is to be used for the *payment*
10 of indebtedness existing at the adoption of the constitution, the county board

11 may, by an order entered of record, set forth substantially the amount of such
12 excess required, the purposes for which the same will be required, *and the*
13 *number of years such excess will be required to be levied*, and if for the payment
14 of interest or principal, or both, upon bonds, shall in a general way designate
15 the bonds and specify the number of years such excess will be required to be
16 levied, and *provide* for the submission of the question of *assessing* the additional
17 rate required to a vote of the people of the county at the next election for
18 county officers *or at any judicial election held in such county* after the adoption
19 of the resolution: *Provided*, if such additional rate required is for the pur-
20 pose of building a court house *or any other public building for the county*, a
21 special election may be held for such purpose, and it shall be the duty of the
22 county clerk in his election notice to give notice of such submission. The votes
23 therefor shall be "For additional tax," and those against shall be "Against
24 additional tax." The votes shall be canvassed and returned the same as those
25 for county officers, and if a majority of the votes cast upon the question are "for
26 additional tax," then the county board shall have power to cause such addi-
27 tional tax to be levied and collected in accordance with the terms of such reso-
28 lution, and the money so collected shall be kept as a separate fund and dis-
29 bursed only for the purposes for which the same was raised: *Provided*, any sur-
30 plus that may remain after the payment of all demands against said fund, may
31 be used for other purposes.

- 1 Introduced by Mr. Montelius, April 1, 1909.
- 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act further to provide for the creation by popular vote of Anti-Saloon Territory, by providing for the creation, within counties as units, of Anti-Saloon Territory, within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of territory so created.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* The words and phrases mentioned in
3 this section as used in this Act and in proceedings pursuant thereto shall, unless
4 the same be inconsistent with the context, be construed as follows:
5 “Anti-Saloon Territory” shall mean all territory within the limits of any
6 county in this State in which, through the action of the legal voters therein as
7 provided by this Act, the sale of intoxicating liquor, except as herein provided,
8 is prohibited.

9 “Town” shall include towns which are political subdivisions of counties
10 under township organization.

11 “Precinct” shall mean precincts which are political subdivisions of counties
12 not under township organization.

13 “District” shall mean the territory which was embraced within the bound-
14 aries of a county at the time such county became Anti-Saloon Territory, the
15 boundaries of such county having been altered subsequent to the time when such
16 county became Anti-Saloon Territory.

17 “Said proposition” shall mean the proposition “Shall this county become
18 Anti-Saloon Territory?”

19 “Clerk” shall mean the county clerk; and in the provisions of this Act ap-
20 plicable to or within any city, village, or incorporated town in this State in which
21 there now is or hereafter may be a board of election commissioners, “legal
22 voter” shall mean a duly registered legal voter.

23 “Election” shall mean an election at a time fixed by law for choosing county
24 officers. In no case shall it mean a special election to fill a vacancy.

25 “Intoxicating liquor” shall include all distilled, spiritous, vinous, fermented
26 and malt liquors.

Sec. 2. Upon the filing in the office of the clerk at least sixty days before
2 an election of a petition as in this Act provided, directed to such clerk, con-
3 taining the signatures of legal voters of the county in number not less than one-
4 fourth of the total vote cast in such county at the last election therein, to sub-
5 mit to the voters of such county the proposition, “Shall this county become
6 Anti-Saloon Territory?” said proposition shall be submitted at such election, as
7 in this Act provided, to the legal voters of such county and if a majority of
8 the legal voters voting upon said proposition shall vote “Yes,” such county shall

9 become Anti-Saloon Territory. Such petition shall be a public document and
10 shall be subject to the inspection of the public.

Sec. 3. A vote under the provisions of this Act shall become operative on
2 the thirtieth day after the day of the election at which such vote is cast.

Sec. 4. A petition for submission of said proposition shall be in substantial-
2 ly the following form:

3 To the county clerk of the..... (here insert
4 the legal name of the county):

5 The undersigned, residents and legal voters of the county of.....
6 (insert the legal name of the county) respectfully petition that you cause to be
7 submitted, in the manner provided by law, to the voters thereof, at the next
8 election, the proposition, "Shall this county become Anti-Saloon Territory?"

Name of Signer.	City, Village, Incorporated Town, Town or Precinct.	House Number and Street (In Cities of 2500 popu- lation and over).	County.	Date of Signing.

9 Such petition shall consist of sheets having such form printed or written at
10 the top thereof and shall be signed by the legal voters in their own proper per-
11 sons only, and opposite the signature of each legal voter who shall be a resident
12 of an incorporated city or village, or of an incorporated town, shall be written his
13 residence address (stating, in cities having by the last census twenty-five hun-

14 dred population and over, the street and the house number if there be such); and
15 opposite the signature of each legal voter who shall reside outside the limits of
16 an incorporated city or village, or of an incorporated town, shall be written the
17 name of the town or of the precinct, and the name of the county, in which he re-
18 sides; and after each signature and residence address shall be written the date of
19 signing the same. No signature shall be valid or be counted in considering such
20 petition unless these requirements are complied with and unless the date of sign-
21 ing is less than six months preceding the date of filing the same. At the bottom
22 of each sheet of such petition shall be added a statement, signed by a resident of
23 the county in which the signers thereof reside, with his residence address as
24 aforesaid, stating that the signatures on that sheet of the said petition are genu-
25 ine, and that to the best of his knowledge and belief the persons so signing were
26 at the time of signing said petition legal voters of the said county; that their re-
27 spective residences are correctly stated therein and that each signer signed the
28 same on the date set opposite his name. Such statement shall be sworn to before
29 some officer residing in the county where such legal voters reside, authorized to
30 administer oaths therein. Such petition, so verified, or a copy thereof, duly certi-
31 fied as hereinafter provided, shall be *prima facie* evidence that the signatures,
32 statement of residence and dates upon such petition are genuine and true and that
33 the persons signing the same are legal voters of the county named. Such sheets
34 shall be fastened together in one document, filed as a whole and when filed shall
35 not be withdrawn or added to. No signature shall be revoked except by a revoca-
36 tion filed with the clerk with whom the petition is required to be filed and before
37 the filing of such petition. Upon request of anyone filing such a petition and
38 verified statement and paying or tendering to the clerk one dollar for each one
39 hundred names or fraction thereof, signed thereto, together with a copy thereof,

40 the Clerk shall immediately compare the original and copy and attach to such copy
 41 and deliver to such person his official certificate that such copy is a true copy of
 42 the original, stating the day when such original was filed in his office. Whoever
 43 in making the sworn statement above prescribed shall knowingly, wilfully and
 44 corruptly swear falsely shall be deemed guilty of perjury and on conviction there-
 45 of shall be punished accordingly. Whoever forges the signature of any person
 46 upon any petition or statement provided for in this Act shall be deemed guilty
 47 of forgery and on conviction thereof shall be punished accordingly.

Sec. 5. The clerk with whom any petition shall be filed as provided in this
 2 Act shall cause notice to be given in the manner provided by law for giving no-
 3 tice of an election, of the submission of said proposition at the next election to
 4 the voters of the county named in such petition. Publication of the submission
 5 of said proposition to the voters of such county shall likewise be made in the man-
 6 ner provided by law for the publication of the list of nominations to be voted for
 7 at an election: *Provided*, That the failure of such clerk to cause such notice to be
 8 given, or the failure to make publication of the submission of said proposition as
 9 above provided, shall not affect the validity or binding force of the vote upon said
 10 proposition.

Sec. 6. The clerk with whom any petition shall be filed as provided by this
 2 Act shall cause said proposition to be plainly printed upon all the ballots to be
 3 used at the next election of officers in the county named in such petition and below
 4 the list of candidates named thereon, as follows:

Shall this county become Anti-Saloon Territory?	Yes	
	No	

5 At the canvass of the ballots in each polling place where said proposition is
 6 submitted, it shall be the duty of the judges of election to admit to the room at
 7 such polling place, as special watchers of such canvass, one legal voter selected by
 8 the persons managing the interests of those in favor of and one selected by the
 9 persons managing the interests of those opposed to said proposition, provided
 10 such legal voters shall be of good character and sober and shall in no wise inter-
 11 fere with such canvass, and said judges and the police officers and other officers
 12 of the law shall protect such watchers and see that they are not excluded and at
 13 the time of such canvass of the ballots cast upon said proposition, such watchers
 14 shall be entitled to a position where they can plainly see and read each ballot and
 15 it shall be the duty of such judges to protect them in such position. Wherever any
 16 other method of taking and recording votes at elections than by means of printed
 17 ballots is provided by law the procedure for taking and recording the votes upon
 18 said proposition may conform to the method so provided.

Sec. 7. The clerk shall record in a well bound book to be kept in his office
 2 by himself and his successors, the result of the vote upon said proposition and
 3 such result may be proved in all courts and in all proceedings by such record or
 4 by the official certificate of the clerk, and in cases where such a record or certifi-
 5 cate shows that a majority of the legal voters voting upon said proposition
 6 voted "Yes" the same shall be *prima facie* evidence that the county to which
 7 such vote was applicable has become Anti-Saloon Territory.

Sec. 8. All the territory within any county which has become Anti-Saloon
 2 Territory shall continue to be Anti-Saloon Territory throughout its entire extent,
 3 notwithstanding any change which may be made in the limits of any such county,
 4 until the legal voters thereof have voted, according to the provisions of this

Act, to discontinue such Anti-Saloon Territory and the following section shall be construed in harmony herewith. In all Anti-Saloon Territory, during the time that it continues to be Anti-Saloon Territory, the operation of all ordinances providing for the restriction, regulation or prohibition of the sale of intoxicating liquor or for the issuing of dram shop licenses within any portion or the whole of such territory, so far as inconsistent with its statute as Anti-Saloon Territory, shall be suspended.

Sec. 9. Upon the filing in the office of the clerk, at least sixty days before an election in any county, of a petition directed to such clerk, containing the signatures of legal voters of an Anti-Saloon Territory or district, in number not less than one-fourth of the total vote cast therein at the last election, to submit to the voters thereof the proposition, "Shall this (county or district) continue to be Anti-Saloon Territory?" (provided such petition corresponds in all other respects with the petition in this Act before described) such proposition shall be submitted at such election to the voters of such county or district, and the provisions of Sections one (1), four (4), five (5), ~~six~~ (6); and seven (7), of this Act shall apply in all respects, so far as applicable, to the proposition, "Shall this (county or district) continue to be Anti-Saloon Territory?" to the submission of such proposition to such voters, to the petition therefor, to the recording of the vote thereon and to the proof and evidence of the petition and vote, except that in a district such proposition shall be submitted by separate ballot. If a majority of the legal voters voting upon such last mentioned proposition in any such county or district vote "No," such county or district shall cease to be Anti-Saloon Territory, and all ordinances providing for the restriction, regulation or prohibition of the sale of intoxicating liquor or for the issuing of dram shop licenses, the operation of which was in

20 any wise suspended within such county or district by virtue of the vote there-
 21 in to become Anti-Saloon Territory, with all additions and amendments which
 22 in the meantime may have been made thereto, shall, if not in the meantime re-
 23 pealed, become and be in force within said county or district to the same extent,
 24 only, however, as the same would then be in force had such county or district
 25 never become Anti-Saloon Territory. The petition mentioned in this section
 26 shall be a public document and shall be subject to the inspection of the public.

Sec. 10. A vote under the provisions of this Act in and for any county upon
 2 the proposition, "Shall this county become Anti-Saloon Territory?" or in and
 3 for any county or district upon the proposition, "Shall this (county
 4 or district) continue to be Anti-Saloon Territory" shall be a bar to the submis-
 5 sion to the voters thereof of either of such propositions as applied to the entire
 6 county or district only, until after the lapse of three years and six months.

Sec. 11. It shall not be lawful to sell intoxicating liquor in any quantity
 2 whatever nor to grant or issue, or cause to be granted or issued, any license to
 3 sell intoxicating liquor in any quantity whatever within the limits of any county
 4 or district whatever in this State while the same is Anti-Saloon Territory, and
 5 if any such license be granted or issued in violation hereof the same shall be void.

Sec. 12. Whoever shall, by himself or another, either as principal, clerk or
 2 servant, directly or indirectly, sell, barter or exchange any intoxicating liquor in
 3 any quantity whatever, within the limits of any county or district in this State,
 4 while the same is Anti-Saloon Territory, shall be fined not less than twenty dollars
 5 (\$20) nor more than one hundred dollars (\$100), or imprisoned in the county
 6 jail for not less than ten (10) days nor more than thirty (30) days, or both, in the
 7 discretion of the Court. If any person shall be convicted of violating any provis-

8 ion of this section and shall subsequently violate any provision of this section he
9 shall upon conviction thereof, be fined not less than fifty dollars (\$50) nor more
10 than two hundred dollars (\$200) and imprisoned in the county jail for not less
11 than ten (10) days, nor more than thirty (30) days. And in like manner, if he
12 shall subsequently violate any provision of this section, for such third and each
13 subsequent violation he shall, upon conviction thereof, be fined not less than one
14 hundred dollars (\$100), nor more than two hundred dollars (\$200), and impris-
15 oned in the county jail for not less than thirty (30) days, nor more than ninety
16 (90) days.

Sec. 13. The giving away or delivery of any intoxicating liquor for the pur-
2 pose of evading any provision of this Act, or the taking of orders or the making
3 of agreements, at or within any county or district while the same is Anti-Saloon
4 Territory, for the sale or delivery of any intoxicating liquor, or other shift or de-
5 vice to evade any provision of this Act, shall be held to be an unlawful selling.

Sec. 14. All places where intoxicating liquor is sold in violation of any pro-
2 vision of this Act shall be taken and held and are declared to be common nuisances
3 and may be abated as such; and whoever shall keep any such place, by himself or
4 his agent or servant, shall, for each offense, upon conviction thereof, be fined not
5 less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and con-
6 fined in the county jail not less than twenty (20) days, nor more than fifty (50)
7 days, and it shall be a part of the judgment, upon the conviction of the keeper,
8 that the place where liquor is found to have been sold contrary to this Act, be
9 shut up and abated until the keeper shall give bond, with sufficient security to be
10 approved by the Court, in the penal sum of one thousand dollars (\$1000) payable
11 to the People of the State of Illinois, conditioned that he will not sell intoxicating

12 liquor contrary to law, and will pay all fines, costs and damages assessed against
13 him for any violation thereof; and in case of a violation of the condition of such
14 bond, suit may be brought and recovery had thereon for the use of the county for
15 any fine or fines that may be assessed against him under this Act.

Sec. 15. Any clerk, judge of election, police officer or other officer of the law,
2 who shall refuse or neglect or fail to discharge any duty imposed by this Act, and
3 anyone who signs a petition provided for in this Act, knowing he is not qualified
4 to do so, or who files with the clerk any such petition or any sheet or other part
5 thereof knowing that it contains the signature of a person not qualified to sign
6 the same, or who receives, requests or demands or gives, offers or promises any
7 reward for the signing or the refraining from signing of any such petition, or
8 who by treating or giving intoxicating liquor or anything else, or by threats to
9 injure another in person or property, or by betting or other device, either direct-
10 ly or indirectly influences or attempts to influence anyone to sign or refrain from
11 signing any such petition, shall, upon conviction thereof, be fined not less than
12 twenty dollars (\$20), nor more than two hundred dollars (\$200), or imprisoned
13 in the county jail for not less than ten (10) days nor more than ninety (90)
14 days, or both, in the discretion of the court. If any person shall be convicted of
15 violating any provision of this section and shall subsequently violate any provis-
16 ion of this section, for such second and each subsequent violation he shall, upon
17 conviction thereof, be fined not less than twenty dollars (\$20) nor more than two
18 hundred dollars (\$200) and imprisoned in the county jail for not less than ten
19 (10) days nor more than ninety (90) days.

Sec. 16. All offenses defined or mentioned in this Act may be prosecuted
2 in any court of record having criminal jurisdiction, or the fines prescribed in

3 this Act may be sued for and recovered before any court or justice of the peace
 4 having jurisdiction thereof, in the name of the People of the State of Illinois;
 5 and in case of conviction the offender shall stand committed to the county jail
 6 until the judgment and costs are fully paid.

Sec. 17. In all prosecutions under this Act, by indictment or otherwise, it
 2 shall not be necessary to state the kind of liquor sold; nor to describe the place
 3 where sold; nor to show the knowledge of the principal to convict for the acts
 4 of an agent or servant; nor to state the name of any person to whom liquor is
 5 sold; nor to set forth the facts showing that the required number of legal voters
 6 petitioned for the submission to the voters of said proposition, nor that a ma-
 7 jority of the legal voters voting upon said proposition voted "Yes," but it shall
 8 be sufficient to state in that regard that the act complained of took place in an
 9 Anti-Saloon Territory or district. The issuance of an internal revenue spe-
 10 cial tax stamp or receipt by the United States to any person as a wholesale or
 11 retail dealer in liquors or in malt liquors at any place within territory which,
 12 at the time of the issuance thereof, is Anti-Saloon Territory, shall be *prima*
 13 *facie* evidence of the sale of intoxicating liquor by such person at such place,
 14 or at any place of business of such person within such territory where such
 15 stamp or receipt is posted, and at the time charged in any suit or prosecution
 16 under this Act: *Provided*, Such time is within the life of such stamp or re-
 17 ceipt.

Sec. 18. Nothing in this Act shall be construed to forbid or prevent the
 2 sale within Anti-Saloon Territory by druggists to whom permits or licenses
 3 therefor have been duly granted in the manner provided by law, of liquor for
 4 medicinal, mechanical, sacramental and chemical purposes only, not to be drunk

5 upon the premises under any circumstances, so long as such druggist in good
 6 faith shall keep a true and an exact record in a book, which he shall provide
 7 for the purpose, in which shall be entered at the time of every sale of intoxi-
 8 cating liquor made by him in or about his place of business to all persons whom-
 9 soever, the date of such sale, the name of the purchaser, and his residence (stat-
 10 ing the street and house number if there be such), the quantity and kind of such
 11 liquor and the purpose for which the same is sold, and so long as such druggist
 12 shall keep such book open to the full and free inspection of the police and all
 13 public officers elected and appointed and their deputies and agents during busi-
 14 ness hours. Nothing in this Act shall be construed to forbid or prevent the
 15 sale of intoxicating liquor for the period of thirty days next after the vote shall
 16 have been taken in the Anti-Saloon Territory thereby created, according to the
 17 terms of a dram shop or other municipal license theretofore regularly issued in
 18 good faith according to law. Any portion of a dram shop or other municipal
 19 license fee which shall have been paid and which shall represent the unexpired
 20 period for which said dram shop or other municipal license was issued after the
 21 county in which such dram shop is located shall have become Anti-Saloon Ter-
 22 ritory, shall be refunded by the municipality receiving the same. Nothing in
 23 this Act shall be construed to forbid or prevent the sale at wholesale by a manu-
 24 facturer who manufactures from the raw materials of the product of his own
 25 manufactory located within Anti-Saloon Territory for delivery outside the lim-
 26 its of such territory.

Sec. 19. Any five legal voters of any county in which an election shall
 2 have been held as provided for in this Act, may, within ten days after the can-
 3 vass of the returns of such election and upon filing a bond for costs, contest the
 4 validity of such election by filing a verified petition in the county court of such

5 county setting forth the grounds for the contest. Upon the filing of such peti-
6 tion a summons shall forthwith issue from such court addressed to the county
7 board, notifying such board of the filing of such petition and directing it to ap-
8 pear in such court on behalf of such county at the time named in the summons,
9 which time shall be not less than five nor more than fifteen days after the filing
10 of such petition. The procedure in such cases shall be the same as that pro-
11 vided by law for the contesting of an election upon a subject which shall have
12 been submitted to a vote of the people, so far as applicable. The county
13 court shall have final jurisdiction to hear and determine the merits of such cases,
14 Any legal voter in the county in which such election shall have been held may
15 appear in person, or by attorney, in any such contested election case in defense of
16 the validity of such election.

- 1 Introduced by Mr. E. J. Murphy, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to define and establish the liability of persons, associations and corporations owning, controlling and operating electric light, heat and power plants for the propelling of street cars, for injuries to the person, and for deaths and destruction of property caused by reason of any wrongful act, neglect or default of such persons, associations or corporations.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every person, association and corporation with-
3 in this State owning, controlling or operating any electric light, heat or power
4 plant for the furnishing of light, or heat, or the transmission of power for the
5 propelling of street cars, or for the purposes of communication, who shall string
6 the wires used for the purpose of aforesaid upon or along or across any public
7 road, highway, street or alley, or over any field, lot or building the property

8 of another, shall cause such wires to be insulated and well covered with some
9 material suitable for the prevention of the transmission of the electric force or
10 fluid therefrom, and shall cause the same and supports and fastenings thereof
11 to be inspected by some competent person once in every twenty-four hours dur-
12 ing which such wires so remain strung along, across or upon any public road,
13 highway, street or alley, or over any field, lot or building the property of another,
14 within the limits of any city, village or incorporated town.

Sec. 2. Every person, association, or corporation violating this Act shall
2 be liable for every destruction of property or injuries to persons or deaths re-
3 sulting therefrom in an action of damages for the recovery thereof.

Sec. 3. All Acts or parts of Acts in conflict with the provisions of this
2 Act are hereby repealed.

- 1 Introduced by Mr. E. J. Murphy, April 1, 1909.
- 2 Read by title, ordered printed and to lie upon the Speaker's table.

A BILL

For an Act to prevent persons from advertising or holding themselves out to be fortune tellers, clairvoyants, mediums, astrologers, trans mediums, palmists, life readers and from obtaining money by means of representation that they can read the past, present or future by means of cards, spirits, palms, stars, trances or anything of a like nature and providing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person shall advertise or hold himself out to
3 be a fortune teller, clairvoyant, medium or one who tells the past, present or fu-
4 ture by means of stars, palms, cards or through or by means of trances or any-
5 thing of a like nature.

Sec. 2. That no person shall take or obtain money or other valuable thing
2 from another by means of any representation that they can read the past, pres-

3 ent or future by means or cards, spirits, palms, stars, trances or anything of a
4 like nature.

Sec. 3. Any person who shall violate any of the provisions of this Act
2 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be
3 punished by a fine of not less than fifty dollars nor more than two hundred
4 dollars or confined in the county jail not less than thirty days nor longer than
5 six months, or both, in the discretion of the court.

- 1 Introduced by Mr. Pierson, April 1, 1909.
- 2 Read by title. ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection and to provide penalties for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every building, room, basement or cellar, occu-
3 pied or used as a bakery, confectionery, cannery, packing house, slaughter
4 house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market
5 or other place or apartment used for the preparation for sale, manufacture, pack-
6 ing, storage, sale or distribution of any food as defined by statute, shall be
7 properly lighted, drained, plumbed and ventilated and conducted with strict re-
8 gard to the influence of such conditions upon the health of the operatives, em-
9 ployes, clerks or other persons therein employed and the purity and whole-
10 someness of the food therein produced.

Sec. 2. The floors, side walls, ceilings, furniture, receptacles, implements
2 and machinery of every establishment or place where food is manufactured,
3 packed, stored, sold or distributed, and all cars, trucks and vehicles used in
4 the transportation of food products, shall at no time be kept in an unclean,
5 unhealthful or insanitary condition, and for the purpose of this Act, unclean,
6 unhealthful and insanitary conditions shall be deemed to exist if food in the
7 process of manufacture, preparation, packing, storing, sale, distribution or
8 transportation is not securely protected from flies, dust, dirt, and, as far as
9 may be necessary by all reasonable means from all other foreign or injurious
10 contamination; and if the refuse, dirt, and the waste products subject to de-
11 composition and fermentation incident to the manufacture, preparation, pack-
12 ing, storing, selling, distributing and transportation of food are not removed
13 daily; and if all trucks, trays, boxes, baskets, buckets and other receptacles,
14 chutes, platforms, racks, tables, shelves and all knives, saws, cleavers and other
15 utensils and machinery used in moving, handling, cutting, chopping, mixing,
16 canning and all other processes are not thoroughly cleaned daily, and if the
17 clothing of operatives, employes, clerks or other persons therein employed, is
18 unclean.

Sec. 3. The side walls and ceilings of every bakery, confectionery, cream-
2 ery, cheese factory and hotel or restaurant kitchen, shall be well plastered,
3 wainscoted or ceiled with metal or lumber and shall be oil painted or kept well
4 lime washed, and all interior woodwork in every bakery, confectionery, cream-
5 ery, cheese factory, hotel and restaurant kitchen, shall be kept well oiled or
6 painted with oil paints and be kept washed clean with soap and water; and
7 every building, room, basement or cellar occupied or used for the prepara-
8 tion, manufacture, packing, storage, sale or distribution of food, shall have an
9 impermeable floor, made of cement or tile laid in cement, brick, wood or other
10 suitable non absorbent material which can be flushed and washed clean with
11 water.

Sec. 4. The doors, windows and other openings in the building of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens and the screening shall be of not coarser than 14-mesh wire gauze: *Provided*, that this section shall not apply to rooms in which all the food is packed so as to be free from the danger of contamination by flies, the opening from which rooms into other parts of the establishment are fitted with such screens as provided for in this section.

Sec. 5. Every building, room, basement or cellar occupied or used for the preparation, manufacture, canning, packing, sale or distribution of food, shall have convenient toilet or toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or other non-absorbent material and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes, discharging into soil pipes or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building the wash-room shall be near the exit to the toilet, and shall be supplied with soap, running water and towels, and shall be maintained in a sanitary condition. Operatives, employes, clerks and all persons who handle the material from which food is prepared, or the finished product, before beginning work or after visiting toilet or toilets, shall wash their hands thoroughly in clean water.

Sec. 6. Cuspidors for the use of operatives, employes, clerks or other persons, shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with water or a disinfectant solution and five ounces thereof shall be left in each cuspidor while it is in use. No operative, employe or other person, shall expectorate on the food or on the utensils, floor

6 or side walls of any building, room, basement or cellar where the production,
7 manufacture, packing, storing, preparation or sale of any food is conducted.

Sec. 7. No person or persons shall be allowed to sleep in any workroom
2 of a bakeshop, kitchen, dining room, confectionery, creamery, cheese factory or
3 place where food is prepared for sale, served or sold, unless all the foods there-
4 in handled are at all times in hermetically sealed packages.

Sec. 8. No employer shall require, permit or suffer any person to work,
2 nor shall any person work in a building, room, basement, cellar or vehicle oc-
3 cupied or used for the production, preparation, manufacture, packing, storage,
4 sale, distribution and transportation of food, who is affected with any venereal
5 disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or con-
6 sumption, bubonic plague, Asiatic cholera, leprosy, trachoms, typhoid fever, epi-
7 demic dysentery, measles, mumps, German measles, whooping cough, chicken pox
8 or any other infectious or contagious disease.

Sec. 9. It shall be the duty of the State Food Commissioner, and those
2 appointed by him, to enforce this Act, and for that purpose the State, county,
3 city and town health officers shall be food inspectors, subordinate to the State
4 Food Commissioner. The State Food Commissioner, his appointees, the food
5 inspectors, the State, county, city and town health officers, shall have full power
6 at all times to enter every building, room, basement or cellar occupied or used
7 or suspected of being occupied or used for the production for sale, manufacture
8 for sale, storage, sale, distribution or transportation of food, and to inspect the
9 premises and all utensils, fixtures, furniture and machinery used as aforesaid;
10 and if upon inspection any food producing or distributing establishment, convey-
11 ance, employer, operative, employe, clerk, driver or other person is found to be
12 violating any of the provisions of this Act, or if the production, preparation,
13 manufacture, packing, storing, sale, distribution or transportation of food is be-

14 ing conducted in a manner detrimental to the health of the employes and oper-
 15 atives or to the character or quality of the food therein being produced, manu-
 16 factured, packed, stored, sold, distributed or conveyed, the officer or inspector
 17 making the examination or inspection shall furnish evidence of said violation
 18 to the prosecuting attorney of the county wherein such violations occur, who
 19 shall prosecute all persons violating any of the provisions of this Act; or said
 20 inspector shall report such conditions and violations to the State Food Com-
 21 missioner, who shall issue an order to the person or persons in authority at
 22 the aforesaid establishment to abate the condition or violation or to make such
 23 improvements as may be necessary to abate them, within a period of five days,
 24 or such reasonable time as may be required in which to abate them. Such or-
 25 der shall be in writing and the person receiving the order shall have the
 26 power of appeal from the order and instructions, and may, within five days
 27 from the issuance of the order, appear in person or by attorney before the State
 28 Food Commissioner, or the person appointed by him for that purpose. to give
 29 reasons why such order or instructions should not be obeyed.

Sec. 10. It shall be the duty of the State Board of Health, the factory
 2 inspection department, and all county, city and town health officers to co-op-
 3 erate with the State Food Commissioner in the enforcement of this Act.

Sec. 11. FINES—DUTY OF STATE'S ATTORNEY TO PROSECUTE.] All fines col-
 2 lected under the provisions of this Act shall be paid into the county treasury
 3 of the county in which the suit is brought, to be used for county purposes, and
 4 it shall be the duty of the State's attorney in the respective counties to prose-
 5 cute all persons violating or refusing to obey the provisions of this Act.

Sec. 12. Any person who violates any of the provisions of this Act, or
 2 who refuses to comply with any lawful orders or requirements of the State

3 Food Commissioner, duly made in writing, as provided in section 9 of this Act,
4 shall be guilty of a misdemeanor, and on conviction shall be punished for the
5 first offense by a fine of not less than \$10.00 nor more than \$50.00; for the
6 second offense, by a fine of not less than \$50.00 nor more than \$100.00; and for
7 the third and subsequent offenses, by a fine of \$200.00 and imprisonment in
8 the county jail for not less than thirty nor more than ninety days; and each
9 day after the expiration of the time limit for abating insanitary conditions
10 and completing improvements to abate such conditions, as ordered by the State
11 Food Commissioner, shall constitute a distinct and separate offense.

Sec. 13. All Acts and parts of Acts in conflict with the provisions of this
2 Act are hereby repealed.

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- 1 Introduced by Mr. Price, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Parks and
Boulevards.

A BILL

For an Act providing for the appointment of park commissioners and repealing certain portions of "An Act authorizing townships to issue bonds for park purposes, and providing for the payment thereof," approved and in force March 2, 1907, and "An Act authorizing townships to acquire and maintain lands for park purposes," approved and in force March 2, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* Whenever any township in this State shall elect to
3 issue bonds for the purpose of procuring and improving lands to be set apart
4 and forever held as one or more public parks, and for the maintenance of same,
5 in accordance with the terms of an Act entitled, "An Act authorizing townships
6 to issue bonds for park purposes, and providing for the payment thereof," ap-
7 proved and in force March 2, 1907, and "An Act authorizing townships to ac-
8 quire and maintain lands for park purposes," approved and in force March 2,

9 1907, and if at the time there be no board of park commissioners invested by
10 law with control over any park which lies wholly or in part in said township,
11 then the county judge shall, upon recommendation by petition, signed by not
12 less than fifty legal voters of said township, appoint three persons residing in
13 said township, whose duty shall be to locate the park or parks of said town-
14 ship, to determine the cost of same, and to estimate the cost of improving the
15 same. for the purpose of submitting said estimate to the voters of said township
16 as provided by said Act entitled, "An Act authorizing townships to issue bonds
17 for park purposes and providing for the payment thereof," approved and in
18 force March 2, 1907; and whose further duties shall be to manage and control
19 said park or parks. The terms of office of said commissioners first appointed
20 hereunder by the county judge, shall be one, two and three years, severally,
21 to be determined by said county judge at the time of their appointment; and
22 thereafter the term of office shall be three years.

Sec. 2. The powers and duties of the supervisor, town clerk and highway
2 commissioners, as provided in said Act, approved and in force March 2, 1907,
3 shall devolve upon the board of park commissioners herein provided for and
4 so much of the aforesaid Acts approved and in force March 2, 1907, as is incon-
5 sistent herewith, is hereby repealed.

- 1 Introduced by Mr. Schumacher April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Fraternal and Mutual
Insurance.

A BILL

For the Regulation and Control of Fraternal Benefit Societies.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* FRATERNAL BENEFIT SOCIETIES DEFINED.]
3 Any corporation, society, order or voluntary association without capital stock.
4 organized and carried on solely for the mutual benefit of its members and their
5 beneficiaries, and not for profit, and having a lodge system with ritualistic form
6 of work and representative form of government and which shall make provision
7 for the payment of benefits, in accordance with Section 5 hereof, is hereby de-
8 clared to be a Fraternal Benefit Society.

Sec. 2. LODGE SYSTEM DEFINED.] Any society having a supreme governing
2 or legislative body and subordinate lodges or branches by whatever name known
3 into which members shall be elected and initiated or admitted in accordance with

4 its constitution, laws, rules, regulations, and prescribed ritualistic ceremonies,
 5 which subordinate lodges or branches shall be required by the laws of such so-
 6 ciety to hold regular or stated meetings at least once in each month, shall be
 7 deemed to be operating on the lodge system.

Sec. 3. REPRESENTATIVE FORM OF GOVERNMENT DEFINED.] Any such society
 2 shall be deemed to have a representative form of government when it shall pro-
 3 vide in its constitution and laws for a supreme legislative or governing body,
 4 composed of representatives elected either by the members or by delegates elect-
 5 ed directly or indirectly by the members, together with such other members as
 6 may be prescribed by its constitution and laws, provided that the elective mem-
 7 bers shall constitute a majority in number and have not less than a majority of
 8 the votes, nor less than the votes required to amend its constitution and laws;
 9 *And Provided further,* That the meetings of the supreme or governing body
 10 and the election of officers shall be held as often as once in four years.

Sec. 4. EXEMPTIONS.] Except as herein provided, such society shall be
 2 governed by this Act and shall be exempt from all provisions of the insurance
 3 laws of this State, not only in governmental relations with the State, but for
 4 every other purpose, and no law hereafter enacted shall apply to them, unless
 5 they be expressly designated therein.

Sec. 5. BENEFITS.] Every society transacting business under this Act
 2 shall provide for the payment of death benefits and may provide for the pay-
 3 ment of benefits in case of temporary or permanent physical disability, either as
 4 the result of disease, accident or old age, provided the period of life at which the
 5 payment of benefits for disability on account of old age shall commence shall not
 6 be under seventy years. Such society shall have the power to give a member

7 when permanently disabled or on attaining the age of seventy, the option to
 8 surrender his certificate and accept in lieu thereof all or such a portion of the
 9 face value of his certificate as the laws of the society may provide, and provided
 10 that nothing in this Act contained shall be so construed as to prevent the issu-
 11 ing of benefit certificates for a term of years less than the whole life which are
 12 payable only upon the death or disability of the member occurring within the
 13 term for which the benefit certificate may be issued.

14 Such society shall have the power to accept a part of the periodical contri-
 15 bution in cash, and charge the remainder as a lien on the certificate, provided
 16 that such lien shall not exceed ninety per cent of the reserve accumulation com-
 17 puted in accordance with Section 9 hereof; said lien shall bear interest payable
 18 annually at a rate not lower than four per cent per annum. And *provided*,
 19 That such society shall also have the power to grant surrender values, not to ex-
 20 ceed the net value of the certificates, less any surrender charge specified by the
 21 laws of the society: *Provided*, That the rates of contribution are computed
 22 upon a basis of mortality assumption not lower than that of the American Ex-
 23 perience table of mortality with interest not higher than four per cent per an-
 24 num.

25 If any society in its certificates promises disability benefits, the net contribu-
 26 tions for such disability benefits shall be kept in a fund separate from the other
 27 funds of such society, and shall only be used for the payment of such disability
 28 benefits; and such society shall include in its annual report a statement of the
 29 condition of such fund.

Sec. 6. The payment of death benefits shall be confined to wife, husband,
 2 relative by blood to the fourth degree ascending or descending, step-father,
 3 step-mother, step-children, children by legal adoption, or to a person or persons

4 dependent upon the member: *Provided*, That if after the issuance of the orig-
 5 inal certificate the member shall become dependent upon the charity of an indi-
 6 vidual or of an institution, he shall have the privilege, with the consent of the
 7 society, to make such individual or institution his beneficiary. Within the
 8 above restrictions each member shall have the right to designate his beneficiary
 9 and from time to time have the same changed in accordance with the laws, rules
 10 or regulations of the society, and no beneficiary shall have or obtain any vested
 11 interest in the said benefit until the same has become due and payable upon the
 12 death of the said member. *Provided*, That any society may by its laws, limit
 13 the scope of beneficiaries within the above classes.

Sec. 7. Any society may admit to beneficial membership any person over
 2 sixteen and under sixty years of age who has been examined by a competent phy-
 3 sician and whose examination has been supervised and approved as provided by
 4 the laws of the society: *Provided*, That any beneficiary member of such society,
 5 who shall apply for a certificate providing for disability benefits, need not be re-
 6 quired to pass an additional medical examination therefor. Nothing herein pro-
 7 vided shall prevent such society from accepting general or social members.

Sec. 8. CERTIFICATE.] Every certificate issued by any such society shall
 2 specify the maximum amount of benefit provided thereby, and shall provide that
 3 the certificate, the charter or articles of incorporation, the constitution and laws
 4 of the society and the application for membership and medical examination,
 5 signed by the applicant, and all amendments to each thereof, shall constitute the
 6 agreement between the society and the member, and copies of the same certified
 7 by the secretary of the society or corresponding officer shall be received in evi-
 8 dence of the terms and conditions thereof; and any changes, additions or amend-

9 ments to said charter or articles of incorporation, constitution or laws duly made
10 or enacted subsequent to the issuance of the benefit certificate shall bind the mem-
11 ber and his beneficiaries and shall govern and control the agreement in all re-
12 spects the same as though such changes, additions or amendments had been made
13 prior to and were in force at the time of the application for membership.

Sec. 9. FUNDS.] Any society may create, maintain, invest, disburse, and
2 apply a reserve, emergency or surplus fund in accordance with its laws. Unless
3 otherwise provided in the contract, such funds shall be held, invested and dis-
4 bursed for the use and benefit of the society, no member or beneficiary having or
5 acquiring any individual rights therein or becoming entitled to an apportion-
6 ment or the surrender of any part thereof. The funds from which benefits shall
7 be paid and the funds from which the expenses of the society shall be defrayed,
8 shall be derived from periodical or other payments by the members of the society
9 and accretions of said funds: *Provided*, That no society, either domestic or for-
10 eign, now or hereafter authorized to transact business in this State, shall, on and
11 after January 1, 1912, write or accept new members for death benefits upon a rate
12 of contribution lower than that required by the National Fraternal Congress
13 table of mortality, with interest assumption not higher than 4 per cent per an-
14 num, nor write or accept members for temporary or permanent disability benefits
15 except upon tables based upon reliable experience with an interest assumption not
16 higher than four per cent per annum.

Sec. 10. Any such society may invest its funds in real estate for office or
2 lodge purposes, and may hold or sell and convey any real estate acquired by fore-
3 closure or received in satisfaction of loans. It may also invest its funds in liens
4 against the certificates of its members (not exceeding ninety per cent of the re-

5 serve credit thereunder), or in government, state, provincial, county or municipi-
6 pal bonds, or bonds of any township, park or school district having taxing powers,
7 provided, such bonds shall be a direct obligation on all the taxable property within
• 8 such municipality or district; or in mortgage bonds, or in first mortgages, or first
9 mortgage bonds or ground rents upon improved real estate not exceeding fifty
10 per cent of the market value thereof.

Sec. 11. DISTRIBUTION OF FUNDS.] Every provision for payment by mem-
2 bers of such a society, in whatever form made, shall distinctly state the purpose
3 of the same and the proportion thereof which may be used for expenses, and no
4 part of the money collected for mortuary or disability purposes and no part of
5 the reserve, emergency or surplus funds or the net accretions of either or of any
6 of said funds shall be used for expenses; provided that expenses incident to the
7 examination, investigation, adjustment and litigation of death and disability
8 claims may be paid from the mortuary and disability funds; and that all expen-
9 ses incident to the investment, care and maintenance of any reserve, emergency
10 or surplus funds, or expenses incident to litigation concerning the same, may be
11 paid from said funds.

Sec. 12. ORGANIZATION.] Seven or more persons, citizens of the United
2 States, and a majority of whom are citizens of this State, who desire to form a
3 Fraternal Benefit Society, as defined by this Act, may make and sign (giving their
4 addresses) and acknowledge before some officer competent to take acknowledg-
5 ment of deeds, articles of incorporation, in which shall be stated:

6 1st. The proposed corporate name of the society, which shall not so closely
7 resemble the name of any society or insurance company already transacting busi-
8 ness in this State as to mislead the public or to lead to confusion.

9 2nd. The purpose for which it is formed,—which shall not include more lib-
10 eral powers than are granted by this act, provided that any lawful social, intel-
11 lectual, educational, moral or religious advantages may be set forth among the
12 purposes of the society,—and the mode in which its corporate powers are to be
13 exercised.

14 3rd. The names, residences and official titles of all the officers, trustees, di-
15 rectors, or other persons who are to have and exercise the general control and
16 management of the affairs and funds of the society for the first year until the en-
17 suing election at which all such officers shall be elected by the supreme legisla-
18 tive or governing body.

19 Such articles of incorporation and duly certified copies of the constitution and
20 laws, rules and regulations, and copies of all proposed forms of benefit certifi-
21 cates, applications therefor and literature to be issued by such society and a bond
22 in the sum of five thousand dollars with sureties approved by the Superintendent
23 of Insurance, conditioned upon the return of the advance payments, as provided
24 in this section, to applicants, if the organization is not completed within one year,
25 shall be filed with the Superintendent of Insurance, who may require such further
26 information as he deems necessary, and if the purpose of the society conform to
27 the requirements of this Act and all provisions of law have been complied with,
28 the Superintendent of Insurance shall so certify and retain and record the arti-
29 cles of incorporation in a book kept for that purpose, and furnish the incorpor-
30 ators a preliminary certificate authorizing said society to solicit members as here-
31 inafter provided.

32 Upon receipt of said certificate from the Superintendent of Insurance said
33 society may solicit members for the purpose of completing its organization and
34 shall collect from each applicant the amount of not less than one death benefit

35 assessment or payment, in accordance with its tables of rates as provided by its
36 constitution and laws, and shall issue to each such applicant a receipt for the
37 amount so collected. But no such society shall incur any liability other than for
38 such advanced payments, nor issue any benefit certificate nor pay or allow, or
39 offer or promise to pay or allow, to any person any death or disability benefit
40 until actual bona fide applications for death benefit certificates have been se-
41 cured upon at least five hundred lives for at least one thousand dollars each, and
42 all such applicants for death benefits shall have been regularly examined by legal-
43 ly qualified practicing physicians and certificates of such examinations have
44 been duly filed and approved by the chief medical examiner of such society, nor
45 until there shall be established ten subordinate lodges or branches into which
46 said five hundred applicants have been initiated, nor until there has been submit-
47 ted to the Superintendent of Insurance, under oath of the president and secre-
48 tary or corresponding officers of such society a list of such applicants, giving
49 their names, addresses, date examined, date approved, date initiated, name and
50 number of the subordinate branch of which each applicant is a member, amount of
51 benefits to be granted, rate of regular payments or assessments, which shall not
52 be lower for death benefits than those required by the National Fraternal Con-
53 gress Table of Mortality, with an interest assumption not higher than four per
54 cent per annum, and which shall not be lower for disability benefits than those
55 required by tables based upon reliable experience with an interest assumption
56 not higher than four per cent per annum, nor until it shall be shown to the Super-
57 intendent of Insurance by the sworn statement of the treasurer or corresponding
58 officer of such society that at least five hundred applicants have each paid in
59 cash at least one regular monthly payment or assessment as herein provided per
60 one thousand dollars of indemnity to be effected, which payments in the aggregate

61 shall amount to at least twenty-five hundred dollars, all of which shall be credited
62 to the mortality or disability fund on account of such applicants and no part of
63 which may be used for expenses.

64 Said advanced payments shall during the period of organization be held in
65 trust for and, if the organization is not completed within one year as hereinafter
66 provided, returned to said applicants.

67 The Superintendent of Insurance may make such examination and require
68 such further information as he deems advisable, and upon presentation of satis-
69 factory evidence that the society has complied with all the provisions of law he
70 shall issue to such society a certificate to that effect. Such certificate shall be
71 *prima facie* evidence of the existence of such society at the date of such certificate.
72 The Superintendent of Insurance shall cause a record of such certificate to be
73 made and a certified copy of such record may be given in evidence with like ef-
74 fect as the original certificate.

75 No preliminary certificate granted under the provisions of this section shall
76 be valid after one year from its date, or after such further period, not exceeding
77 one year, as may be authorized by the Superintendent of Insurance, upon cause
78 shown, unless the five hundred applicants herein required have been secured and
79 the organization has been completed as herein provided, and the articles of in-
80 corporation and all proceedings thereunder shall become null and void in one
81 year from the date of said preliminary certificate, or at the expiration of said
82 extended period, unless such society shall have completed its organization and
83 commenced business as herein provided. When any domestic society shall have
84 discontinued business for the period of one year, its charter shall become null and
85 void.

Sec. 13. POWERS RETAINED—REINCORPORATION — AMENDMENTS. Any society

2 now engaged in transacting business in this State may exercise, after the passage
 3 of this Act, all of the rights conferred thereby, and all of the rights, powers and
 4 privileges now exercised or possessed by it under its charter or articles of in-
 5 corporation not inconsistent with this Act, or it may be reincorporated hereunder.
 6 But no society already organized shall be required to reincorporate hereunder,
 7 and any such society may amend its articles of incorporation from time to time
 8 in the manner provided therein, or in its constitution or laws, and all such amend-
 9 ments shall be filed with the Superintendent of Insurance and shall become op-
 10 erative upon such filing, unless a later time be provided in such amendments or
 11 in its articles of incorporation, constitution or laws.

Sec. 14. TRANSFER OF MEMBERSHIP.] No domestic society shall transfer its

2 membership or funds to any society not authorized by the Superintendent of In-
 3 surance to transact business in this State; nor shall any such society transfer its
 4 membership or funds to any licensed society, unless the said contract of transfer
 5 has been approved by a two-thirds vote of the members of the supreme body of
 6 the society whose membership is proposed to be transferred, and by a two-thirds
 7 vote of the trustees or board having charge of the society proposing to take such
 8 membership; such transfer to be approved by the Superintendent of Insurance of
 9 the State in which such societies were chartered.

Sec. 15. REMEDIES.] No member of any society organized or operating

2 under the provisions of this Act, or his beneficiary, or his legal representatives,
 3 or any other person in any way interested in any of his benefits, or any person
 4 deriving legal rights from him shall commence any action or other legal proceed-
 5 ings in any of the courts of this State, on account of his certificate, against the

6 supreme or governing body of such society, until after he shall have exhausted all
 7 the remedies provided in the constitution and laws of such society by appeals and
 8 otherwise, that can be determined within six months after the filing of proof of
 9 death or disability.

Sec. 16. LICENSE.] Any society now authorized to transact business in this
 2 State may continue such business until the first day of April next succeeding the
 3 passage of this Act. The Superintendent of Insurance shall then, if he finds
 4 that such society is complying with the provisions of this Act, issue to it a license
 5 authorizing it to continue the transaction of business in this State. A duly certi-
 6 fied copy of such license shall be *prima facie* evidence in any court or proceeding
 7 in this State that the licensee is a fraternal benefit society within the meaning of
 8 this Act.

Sec. 17. ADMISSION OF FOREIGN SOCIETIES.] No foreign society shall transact
 2 any business within this State without a license from the Superintendent of In-
 3 surance. On seeking admission to do business in this State, such society shall file
 4 with the Superintendent of Insurance a duly certified copy of its charter or arti-
 5 cles of incorporation; a copy of its constitution and laws, certified by its secretary
 6 or corresponding officer; a power of attorney to the said Superintendent as herein-
 7 after provided; a statement under oath by its president and secretary or corre-
 8 sponding officers, in the form herein prescribed, duly verified by an examination
 9 made by the supervising insurance official of its home state of its business for the
 10 preceding year; a certificate from the proper official in its home state, territory,
 11 district, province, or country, that the society is legally organized; a copy of its
 12 application form, certificate of membership and of all circulars in use by it; and
 13 shall show that the agreements between the society and its members provide for

14 the collection of rates of contribution for death benefit certificates issued on and
 15 after January 1, 1912, under a table of mortality not lower than that of the Na-
 16 tional Fraternal Congress, with an interest assumption not higher than four per
 17 cent per annum, and for disability benefits on a table based upon reliable expe-
 18 rience, with an interest assumption not higher than four per cent per annum; and
 19 that it has the further qualifications required of domestic societies organized
 20 under this act, and has its assets invested as required by the laws of the state,
 21 territory, district, province, or country, where it is organized. When such society
 22 meets the requirements herein specified, the Superintendent of Insurance shall
 23 issue to it a license for which the society shall pay to the said Superintendent a
 24 fee of twenty-five dollars. When the said Superintendent refuses to license any
 25 society, or revokes its authority to do business in this State, he shall reduce his
 26 ruling, order or decision to writing and file the same in his office and shall fur-
 27 nish a copy thereof, together with a statement of his reasons, to the officers of the
 28 society; and the action of the said Superintendent shall be reviewable by proper
 29 proceedings in any court of competent jurisdiction within this State: *Provided,*
 30 *however,* That nothing contained in this or the preceding section shall be taken or
 31 construed as preventing any such society from continuing in good faith all con-
 32 tracts made in this State during the time such society was legally authorized to
 33 transact business therein.

Sec. 18. POWERS OF ATTORNEY AND SERVICE OF PROCESS.] Every society,
 2 whether domestic or foreign, now transacting business in this State, shall within
 3 thirty days after the passage of this Act, and every such society hereafter apply-
 4 ing for admission, shall, before being licensed, appoint in writing the Superintend-
 5 ent of Insurance and his successors in office to be its true and lawful attorney,
 6 upon whom all legal process in any action or proceeding against it shall be

7 served, and in such writing shall agree that any lawful process against it which
 8 is served upon such attorney shall be of the same legal force and validity as if
 9 served upon the society and that the authority shall continue in force so long as
 10 any liability remains outstanding in this State.

11 Copies of such appointment, certified by said Superintendent of Insurance,
 12 shall be deemed sufficient evidence thereof and shall be admitted in evidence with
 13 the same force and effect as the original thereof might be admitted. Service
 14 shall only be made upon such attorney, must be made in duplicate and shall be
 15 deemed sufficient service upon such society: *Provided, however,* That no such ser-
 16 vice shall be valid or binding against any such society when it is required there-
 17 under to file its answer, pleading or defense in less than thirty days after the date
 81 of such service. When legal process against any such society is served upon said
 19 Superintendent of Insurance, he shall forthwith forward by registered mail one
 20 of the duplicate copies, prepaid and directed to its secretary or corresponding of-
 21 ficer. The plaintiff in such process so served shall pay to the Superintendent of
 22 Insurance for the use of the State at the time of such service a fee of two dollars,
 23 which shall be recovered by him as part of the taxable costs, if he prevails in the
 24 suit.

Sec. 19. PLACE OF MEETING—LOCATION OF OFFICE.] Any domestic society
 2 may provide that the meetings of its legislative or governing body may be held
 3 in any state, district, province or territory wherein such society has subordinate
 4 branches, and all business transacted at such meetings shall be as valid in all
 5 respects as if such meetings were held in this State. But its principal office
 6 shall be located in this State.

Sec. 20. NO PERSONAL LIABILITY.] Officers and members of the supreme,
 2 grand or any subordinate body of any such incorporated society shall not be

3 individually liable for the payment of any disability or death benefit provided
4 for in the laws and agreements of such society, but the same shall be payable
5 only out of the funds of such society and in the manner provided by its laws.

Sec. 21. WAIVER OF THE PROVISIONS OF THE LAWS.] The constitution and
2 laws of the society may provide that no subordinate body, nor any of its officers
3 or members, shall have the power or authority to waive any of the provisions of
4 the laws and constitution of the society and the same shall be binding on the so-
5 ciety and each and every member thereof and on all beneficiaries of members.

Sec. 22. SEPARATE JURISDICTION PROVISIONS.] All grand lodges by whatever
2 name known, whether incorporated or not, holding charters from a supreme
3 governing body, which are conducting business in this State upon the passage
4 of this Act as a fraternal beneficiary society upon what is known as the separate
5 jurisdiction plan, shall be treated as a federation of grand lodges and not as
6 single State organizations, and all reports required by the provisions of this
7 Act shall be made and furnished by the officers of such supreme governing body
8 and shall embrace and contain the transactions, liabilities and assets of the en-
9 tire order.

Sec. 23. No money or other benefit, charity or relief or aid to be paid, pro-
2 vided or rendered by any such society shall be liable to attachment, garnish-
3 ment or other process, or be seized, taken, appropriated or applied by any legal
4 or equitable process or operation of law to pay any debt or liability of a mem-
5 ber or beneficiary, or of any person who may have a right thereunder, either be-
6 fore or after payment.

Sec. 24. CONSTITUTION AND LAWS—AMENDMENTS.] Every society transacting
2 business under this Act shall file with the Superintendent of Insurance a duly

3 certified copy of all amendments of or additions to its constitution and laws
4 within ninety days after the enactment of the same. Printed copies of the con-
5 stitution and laws and of additions or amendments thereto, certified by the sec-
6 retary or corresponding officer of the association shall be *prima facie* evidence
7 of the legal adoption thereof.

Sec. 25. ANNUAL REPORTS.] Every society transacting business in this
2 State shall annually, on or before the first day of March, file with the Superin-
3 tendent of Insurance, in such form as is herein provided, a statement under
4 oath of its president and secretary or corresponding officers, of its condition
5 and standing on the thirty-first day of December next preceding and of its
6 transactions for the year ending on said thirty-first day of December.

7 In addition to the annual report herein required each society shall annually
8 report the result of a valuation of its certificates issued after January 1, 1912,
9 and in force on December 31st next preceding the making of such report, com-
10 puted according to the National Fraternal Congress table of mortality, with in-
11 terest not higher than four per cent per annum, or any higher table of mortal-
12 ity, with interest not higher than four per cent per annum. If any society in its
13 certificates promises disability benefits, the net contributions for such benefits
14 shall be kept in a fund separate and apart from the other funds, and shall be
15 used for the payment of disability benefits, and such society shall include in its
16 annual report a statement of the condition of such funds.

17 "The fee for filing the annual report herein required shall be twenty-five
18 dollars, which must be remitted to the Superintendent of Insurance at the time
19 the report is filed. The annual report herein required shall be in the fol-
20 lowing form, to-wit:

RECEIPTS DURING YEAR.

Under Death Benefit Certificates	\$.....
“ Old Age Benefit Certificates.....
“ Permanent Disability Certificates.....
“ Relief and Accident Certificates.....
From all other sources, viz.....
.....
.....
	\$.....

Medical Examiners' Fees.....	\$.
Admission Fees
Certificate Fees
First Year Payments, if used for expenses.....	.
Per Capita Tax
Allotment from rates of contribution.....	.
Expense Assessment
Official Publication
All other sources, viz.....	.
.....	.
.....	.
.....	— — — \$.....

		INCOME FROM INVESTMENTS.
Interest on Mortgages		\$.....
" " Bonds
" " Stocks
" " Liens against benefit certificates.....	
Interest from all other sources.....	
Ground Rents
Rents, including \$..... for Fraternity's occupancy of its own Building
All other soruces, viz.....	
.....	
.....	
.....	
Total		\$.....

EXHIBIT OF DEATH, OLD AGE, PERMANENT DISABILITY AND ANNUITY CERTIFICATES.

	New Death Benefit Certificates.		Total for all Classes.		Total in this State.	
	No.	Amt.	No.	Amt.	No.	Amt.
Certificates in force December 31 preceding year	\$.....	\$.....	\$.....
Certificates written or increased during year
Totals
Certificates terminated or decreased during year
Certificates in force December 31 of this year
Certificates terminated by death during the year
Certificates terminated by lapse during the year
Certificates terminated by surrender during the year

EXHIBIT OF DEATH, OLD AGE AND PERMANENT DISABILITY AND ANNUITY CLAIMS.

Total Death, Old Age and Permanent Disability Claims.	New Death Benefit Certificates.		All Other.		Total.		Claims in this State.	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
Unpaid Dec. 31, last year as per Report
Incurred during the year
Totals
Paid during the year
Balance
Claims unpaid end of this year

EXHIBIT OF RELIEF AND TEMPORARY DISABILITY CERTIFICATES.

	Total Claims.		Claims in this State.	
	No.	Amount.	No.	Amount.
Claims unpaid Dec. 31, last year as per Report
Claims incurred during the year
Totals
Claims paid during the year
Balance
Claims unpaid end of this year

EXHIBIT OF RELIEF AND TEMPORARY DISABILITY CLAIMS.

	Total Claims.		Claims in this tate.	
	No.	Amount.	No ¹	Amount.
Claims unpaid Dec. 31, last year as per Report
Claims incurred during the year.....
Totals
Claims paid during the year.....
Balance
Claims unpaid end of this year.....

DISBURSEMENTS.

BENEFIT PAYMENTS.

Death Claims	\$.....	
Old Age Claims .....	.....
Permanent Disability Claims.....	.....
Relief and Accident Claims.....	.....
All other Benefit Claims, viz.....	.....
.....	
.....	
Deferred Annuities or Instalments.....	.....
Legal Expenses incurred in resisting Claims .....	.....
	-----	\$.....

PAYMENTS TO MEMBERS.

Withdrawal and Surrender Payments.....	\$.....	
All other Payments .....	.....
	-----	\$.....

INVESTMENT CHARGES.

Loss on sale or maturity of Ledger assets, viz:		
.....	\$.....	
.....	
.....	
.....	
	-----	\$.....

INCOME CHARGES.

Taxes, repairs and other charges office building	\$.....	
Taxes, repairs and other charges other real estate .....	.....
All other income charges .....	.....
	-----	\$.....

FURNITURE AND FIXTURES.

.....	\$.....	
.....	

OFFICIAL PUBLICATION.

.....		
.....		
	-----	\$.....

LODGE EXPENSES.

Supreme Lodge Meeting	\$	
Local Lodge Expenses .....	.....
Local Lodge Supplies .....	.....

----- \$

MISCELLANEOUS EXPENSES.

Insurance Department Fees	\$	
Insurance Department Expenses .....	.....
Actuarial Services .....	.....
Legal Fees and Expenses .....	.....
Medical Examiners' Fees .....	.....
Supreme Medical Examiner's Supervising Fees .....	.....
All others, viz. ....	.....

----- \$

ORGANIZING EXPENSES.

Commissions and fees paid to Deputies and Organizers	\$	
Salaries and fees paid to Deputies and Organizers .....	.....
Salaries of Managers not Deputies or Organizers .....	.....
Traveling Expenses Managers and Deputies .....	.....
Advertising, \$....; Circulars and Sup., \$ .....	.....
All others, viz. ....	.....

----- \$

MANAGEMENT EXPENSES.

Salaries of Officers and Trustees, No.	\$	
Other compensation of Officers and Trustees .....	.....
Salaries and other compensation of Committees .....	.....
Salaries of Office Employes, No. ....	.....
Other compensation Office Employes .....	.....
Traveling expenses Officers and Trustees .....	.....
Traveling expenses Committees .....	.....
Expenses collecting dues and rates .....	.....
Rent, including \$.... for Fraternity's Building .....	.....
Printing and other office stationery and supplies .....	.....
Postage, express, telegraph and telephone .....	.....
Sundry office expenses .....	.....
All other management expenses, viz. ....	.....

----- \$

\$

Balance

----- \$

The above balance is credited as follows, viz.

	New Death Benefit Certificates.	All Others.
Reserve Fund	\$.....	\$.....
Benefit Fund
Surplus Fund
Relief Fund
Expense Fund
All others, viz.
.....
	-----	-----
	\$.....	\$.....

LEDGER ASSETS.

Book Value of Real Estate.....	Schedule A	\$.....
Mortgage Loans Real Estate.....	Schedule B	.....
Book Value Ground Rents.....	Schedule B	.....
Book Value Bonds and Stocks, exclud. interest	Schedule C	.....
Liens against outstanding Benefit Certificates .....		.....
Deposited in Banks and Trust Companies on interest .....		.....
Cash in Office, \$....; Deposited in Bank not on Int., \$.....		.....
Bills receivable, \$.....; Organizers' balances, \$.....		.....
Other Ledger Assets, viz. ....		.....
.....	
.....	

		\$.....

NON-LEDGER ASSETS.

Rents	due \$.....	Accrued \$.....	.....
Interest on Mortgages... ..	" .....	" .....	.....
Int. on Bonds and Stocks. ..	" .....	" .....	.....
Ground Rents .....	" .....	" .....	.....
Interest on Cert. Liens.. ..	" .....	" .....	.....
Other Assets .....	" .....	" .....	.....

Furniture and Fixtures .....			.....
Market Value of Real Estate over book value, Schedule A.....			.....
Market Value of Bonds and Stocks over book value, excluding interest.....			.....
Schedule C. ....			.....
Collections in hands of Subordinate officers and Lodge .....			.....
All other assets, viz.....			.....
.....		

Gross Assets			\$.....

CONTINGENT ASSETS.

*Present value of future contributions on promises to pay relief and temporary disability benefits	\$.....
--	---------

*If the report shows net values of protection no amount need be entered for this item.

LESS ASSETS NOT ADMITTED.

Bills receivable unsecured		
Organizers' Balance		
All others, viz		\$.....
.....		
Net Assets		\$.....

LIABILITIES.

Death Claims as per Schedule D.		
Due and unpaid	\$.....	
Reported but not acted on		
Present value of deferred payments at 4 per cent		\$.....
Old Age Claims as per Schedule D.		
Due and unpaid	\$.....	
Reported but not acted on		
Present value of deferred payments at 4 per cent		\$.....
Permanent Disability Claims as per Schedule D.		
Due and unpaid	\$.....	
Reported but not acted on		
Present value of deferred payments at 4 per cent		\$.....
Sick and Accident Claims.		
Due and unpaid	\$.....	
Due and unpaid		
Reported but not acted on		\$.....
Mean reserves under New Death Benefit Certificates as per Schedule E...		\$.....
Borrowed money		
Interest due or accrued on same		
Salaries, rents and other expense claims due or accrued		
All others, viz.		
.....		
.....		
Total Liabilities		\$.....

CONTINGENT LIABILITIES.

*Present value of promises to pay death, old age, permanent disability and annuity benefits	\$.....
*Present value of promises to pay relief and temporary disability benefits..	\$.....

*If net value only of protection is given, enter amount of same as item of contingent liability.

SCHEDULE C.

Bonds and Stocks, Descriptive Title, Value, Interest, Etc.

Descriptive Title	Date of maturity	Rate of interest	Value excluding interest			Interest	
			Par	Market	Book	Collected during year	Due and accrued end of year

SCHEDULE D.

Outstanding Death, Old Age, Permanent Disability and Annuity Claims.*

Name of Member	Residence by City or town and State	Classification, Death, Old Age or Permanent Disability	Certificate		Date of Death or Disability	Why unpaid
			Date	Amount including value of deferred payments at 4%		

* All deaths among members holding new death benefit certificates (headed "New Death Benefit Certificates") must first be entered and totaled, then the Old Age Claims entered and totaled, then the Permanent Disability Claims, and followed by the Schedule (headed "All Others") for all other certificates.

SCHEDULE A.

Real Estate, Description, Value, Rental, Etc.

Street, number or other identification of premises and size of lot	Value				Annual Rental		
	Market value clear of incumbrance	Incumbrance, if any	Net market value	Book value	Gross	Charges against the same	Net

SCHEDULE B.

Mortgages, Date, Record, Interest, Value of Premises, Etc.

Date	Record			Amount of Principal Unpaid	Interest				Market Value of Premises	Insurance held as Collateral	Street, number or other identification of Premises and Size of Lot
	County and State	Book	Page		Rate	Am't collected during year	Past due at end of year	Total past due and accrued at end of year			

The schedule of ground rents shall follow Schedule B on the same form, with similar information.

21 A summary of the valuation herein provided for shall be published in the
 22 official paper of the society or mailed to the last known address of each member.
 23 Such valuation, however, shall not be considered or regarded as a test of the
 24 financial solvency of the society, but such society shall be held to be legally
 25 solvent so long as the funds in its possession are equal to, or in excess of its
 26 accrued liabilities. The Laws of such society shall provide that if the stipulated
 27 payments by members are insufficient to pay all matured death and disability
 28 claims in full, and to provide for the creation and maintenance of the funds re-
 29 quired by its Laws, additional or extra rates or contribution may be collected
 30 from the members to meet such deficiency.

Sec. 26. EXAMINATION OF DOMESTIC SOCIETIES.] The Superintendent of In-
 2 surance, or any person he may appoint, shall have the power of visitation and
 3 examination into the affairs of any domestic society. He may employ assistants
 4 for the purposes of such examination, and he, or any person he may appoint,
 5 shall have free access to all the books, papers and documents that relate to the
 6 business of the society and may summon and qualify as witnesses under oath and
 7 examine its officers, agents and employes or other persons in relation to the af-
 8 fairs, transactions and condition of the society.

9 The expenses of such examination shall be paid by the State Treasurer on
 10 the warrant of the State Auditor on the certificate of the Superintendent of In-
 11 surance from the proper appropriation.

12 Whenever after examination the Superintendent of Insurance is satisfied
 13 that any domestic society has failed to comply with any provisions of this act
 14 or is exceeding its powers; or is not carrying out its contracts in good faith; or
 15 is transacting business fraudulently; or whenever any domestic society, after
 16 the existence of one year or more, shall have a membership of less than three

17 hundred, or shall determine to discontinue business, the Superintendent of In-
 18 surance may present the facts relating thereto to the Attorney General, who
 19 shall, if he deem the circumstances warrant, commence an action in *quo war-*
 20 *ranto* in a court of competent jurisdiction, and such court shall thereupon notify
 21 the officers of such society of a hearing, and if it shall then appear that such
 22 society should be closed, said society shall be enjoined from carrying on any fur-
 23 ther business and some person shall be appointed receiver of such society, and
 24 shall proceed at once to take possession of the books, papers, moneys and other
 25 assets of the society, and shall forthwith, under the direction of the court, pro-
 26 ceed to close the affairs of the society and to distribute its funds to those entitled
 27 thereto. No such proceeding shall be commenced by the Attorney General
 28 against any such society until after notice has been duly served on the chief ex-
 29 ecutive officers of the society and a reasonable opportunity given to it, on a date
 30 to be named in said notice which shall not be less than thirty days after service
 31 of notice, to show cause why such proceedings should not be commenced.

Sec. 27. APPLICATION TO RECEIVER, ETC.] No application for injunction
 2 against or proceedings for the dissolution of or the appointment of a receiver for
 3 any such domestic society or branch thereof shall be entertained by any court in
 4 this State unless the same is made by the Attorney General.

Sec. 28. EXAMINATION OF FOREIGN SOCIETIES.] The Superintendent of Insur-
 2 ance, or any person whom he may appoint, may examine any foreign society
 3 transacting or applying for admission to transact business in this State. The
 4 said Superintendent may employ assistants for the purpose of such examination,
 5 and he, or any person he may appoint, shall have free access to all the books,
 6 papers and documents that relate to the business of the society, and may sum-

mon and qualify as witnesses under oath and examine its officers, agents, employees and other persons in relation to the affairs, transactions and condition of the society. He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the State, territory, district, province or country where such society is organized. All examinations made under the provisions of this section shall be made without expense to the society examined.

If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relating thereto, the authority of such society to write new business in this State shall be revoked until satisfactory evidence is furnished the Superintendent relating to the condition and affairs of the society, and during such revocation the society shall not write any new business in this State: *Provided*, No such revocation shall be made until after at least thirty days' notice is given such society of the proposed revocation.

Sec. 29. NO ADVERSE PUBLICATIONS.] Pending, during or after an examination or investigation of any such society, either domestic or foreign, the Superintendent of Insurance shall make public no statement, report or finding, nor shall he permit to become public any statement, report or finding affecting the status, standing or rights of any such society until a copy thereof shall have been served upon the president or secretary, or corresponding officers, of such society, nor until such society shall have been afforded a reasonable opportunity to answer any such statement, report or finding and to make such showing in connection therewith as it may desire. If such statement, report or finding shall not be withdrawn after such hearing, it shall not thereafter be made public except in connection with the answer or explanation of the society concerned.

Sec. 30. REVOCATION OF LICENSE.] When the Superintendent of Insurance
 2 on investigation is satisfied that any foreign society transacting business under
 3 this act has exceeded its powers, or has failed to comply with any provision of
 4 this act, or is conducting business fraudulently, or is not carrying out its contract
 5 in good faith, he shall notify its president and secretary, or other officers corre-
 6 sponding thereto, of his findings, and state in writing the grounds of his dissatis-
 7 faction, and after reasonable notice require said society, on a date named, which
 8 date shall not be less than thirty days after service of notice, to show cause why
 9 its license should not be revoked. If on the date named in said notice such objec-
 10 tions have not been removed to the satisfaction of the said Superintendent, or the
 11 society does not present good and sufficient reasons why its authority to transact
 12 business in this State should not at that time be revoked, he may revoke the au-
 13 thority of the society to continue business in this State. All decisions and find-
 14 ings of the Superintendent made under the provisions of this section may be
 15 reviewed by proper proceedings in any court of competent jurisdiction, as pro-
 16 vided in Section 17 of this act.

Sec. 31. EXEMPTION OF CERTAIN SOCIETIES.] Nothing contained in this act
 2 shall be construed to affect or apply to grand or subordinate lodges of Masons,
 3 Odd Fellows or Knights of Pythias (exclusive of the Insurance Department of
 4 the Supreme Lodge, Knights of Pythias), nor the Junior Order of United Amer-
 5 ican Mechanics (exclusive of the Beneficiary Degree or Insurance Branch of the
 6 National Council Junior Order United American Mechanics), nor to societies
 7 which limit their membership to a particular vocation; nor to similar societies
 8 which do not issue insurance certificates; nor to an association of local lodges of a
 9 society now doing business in this State, which provide death benefits not ex-
 10 ceeding three hundred dollars to any one person, or disability benefits not ex-

11 ceeding five hundred dollars in any one year to any one person, or both; nor to
 12 any contracts of reinsurance of or between such local lodges of such society now
 13 doing business on such plan in this State, nor to domestic societies which limit
 14 their membership to the employes of a particular city or town, designated firm,
 15 business house or corporation; nor to domestic lodges, orders or societies of a
 16 purely religious, charitable and benevolent description which do not operate with
 17 a view to profit and which do not provide for a death benefit of more than one
 18 hundred dollars, or for disability benefits of more than one hundred and fifty dol-
 19 lars to any one person in any one year, provided always that any such domes-
 20 tic order or society which has more than five hundred members and provides for
 21 death or disability benefits, and any such domestic lodge, order or society which
 22 issues to any person a certificate providing for the payment of benefits, shall
 23 not be exempt by the provisions of this section, but shall comply with all the
 24 requirements of this act. The Superintendent of Insurance may require from
 25 any society such information as will enable him to determine whether such society
 26 is exempt from the provisions of this act.

Sec. 32. TAXATION.] All such societies are declared to be charitable and
 2 benevolent institutions, and all funds of such societies shall be exempt from
 3 all and every State, county, district and municipal tax other than taxes on real
 4 estate, office equipment and supplies.

Sec. 33. PENALTIES.] Any person, officer, member or examining physician
 2 of any society authorized to do business under this act who shall knowingly or
 3 willfully make any false or fraudulent statement or representation in or with
 4 reference to any application for membership, or for the purpose of obtaining
 5 money from or benefit in any society transacting business under this act, shall be

6 guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine
7 of not less than one hundred dollars nor more than five hundred dollars, or im-
8 prisonment in the county jail for not less than thirty days nor more than one year,
9 or both, in the discretion of the court, and any person who shall wilfully make a
10 false statement of any material fact or thing in a sworn statement as to the death
11 or disability of a certificate holder in any such society for the purpose of procur-
12 ing payment of a benefit named in the certificate of such holder, and any person
13 who shall wilfully make any false statement in any verified report or declaration
14 under oath required or authorized by this act, shall be guilty of perjury, and
15 shall be proceeded against and punished as provided by the statutes of this State
16 in relation to the crime of perjury.

17 Any person who shall solicit membership for, or in any manner assist in pro-
18 curing membership in, any Fraternal Benefit Society not licensed to do business
19 in this State, or who shall solicit membership for, or in any manner assist in
20 procuring membership in, any such society not authorized as herein provided, to
21 do business as herein defined in this State, shall be guilty of a misdemeanor, and
22 upon conviction thereof shall be punished by a fine of not less than fifty nor more
23 than two hundred dollars.

24 Any society, or any officer, agent or employe thereof, neglecting or refusing
25 to comply with, or violating any of the provisions of this act, the penalty for
26 which neglect, refusal or violation is not specified in this section, shall be fined not
27 exceeding two hundred dollars upon conviction thereof.

Sec. 34. CONSTRUCTION.] The word "society" as used in this act shall be
2 taken and construed as meaning a fraternal benefit corporation, society, order or
3 voluntary association as defined in Section 1. The words "domestic society"
4 shall be taken and construed as meaning a society organized or incorporated

5 under the laws of this State. The words "foreign society" shall be taken and
6 construed as meaning a society organized or incorporated under the laws of an-
7 other territory, district, state, province or country. All provisions of each sec-
8 tion of this act except as otherwise provided shall be taken and construed as ap-
9 plying to both domestic and foreign societies.

Sec. 35. All acts and parts of acts inconsistent with this act are hereby
2 repealed.

- 1 Introduced by Mr. Shanahan, by request, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for procuring documents, papers and materials
and publications relating to the Northwest and the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of five thousand dollars (\$5,000) per
3 annum be and the same is hereby appropriated for the purpose of procuring
4 copies of papers, documents, materials and publications relating to the North-
5 west and the State of Illinois, and publishing the same, the same to be ex-
6 pended by the trustees of the Illinois State Historical Library, with the sanc-
7 tion of the Governor.

-
- 1 Introduced by Mr. Stearns, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to regulate and prohibit the misbranding or the non-branding of food
products other than hermetically sealed canned goods.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall hereafter be unlawful in this State
3 for any packer or manufacturer of a food product, put up in package form,
4 other than packages in cans hermetically sealed, to offer such articles for sale
5 after January 1, 1910, unless such articles bear a mark in plain letters or word-
6 ing, not less than eight point brevier caps in size, on the outside of the pack-
7 age, indicating the true quantity in the container, if liquid; or the weight, if
8 cereal or other food product: *Provided, however,* this provision shall not ap-
9 ply to packages put up by the retailer.

Sec. 2. PENALTY.] Any person, firm or corporation who shall falsely
2 stamp or label, or fail to stamp or label, such packages containing liquid,

3 cereal or other food products of any kind other than such as are put up in
4 package form in cans and hermetically sealed, or knowingly permit such false
5 stamping or labeling or failure to stamp or label, shall be deemed guilty of a
6 misdemeanor and punished with a fine of not less than fifty dollars nor more
7 than two hundred dollars, for each offense; and it shall be the duty of the State
8 Food Commissioner of the State of Illinois, cognizant of any violation of this
9 Act, to prosecute any person, firm or corporation which he has reason to be-
10 lieve has violated any of the provisions of this Act, and after deducting the
11 cost of the trial and conviction, said fine or fines shall be paid into the State
12 treasury of the State of Illinois.

-
- 1 Introduced by Mr. Tippit, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.
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A BILL

For an Act to regulate all corporation, associations and persons, engaged, in this State, in the business of carrying crude petroleum, or its products, through pipe lines; to regulate operators of oil wells and refiners of crude petroleum and its products, regulating the purchasing of mineral oil, by pipe lines and providing punishments for violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That every corporation, joint stock com-
3 pany, limited co-partnership, partnership, or other person, now or hereafter exer-
4 cising or claiming the right to carry or transport crude oil or petroleum, or any
5 of the products thereof, by or through pipe lines or line, for hire, compensation or
6 otherwise, or now or hereafter exercising or claiming the right to engage in the
7 business of producing crude oil or petroleum, or of the products thereof, or of

8 storing crude oil or petroleum now or hereafter produced by it, or any other per-
9 son or persons, now or hereafter engaged in the business of buying, selling or deal-
10 ing in crude oil or petroleum, within the limits of this State, shall not have or
11 possess the right to conduct or engage in said business or operations, in whole or
12 in part, as above described, or have or possess the rights to locate, maintain, or op-
13 erate the necessary pipe lines, fixtures or equipments thereunto belonging, or
14 used in connection therewith, concerning the said business of carrying or trans-
15 porting crude oil or petroleum as aforesaid on, over, along, across, through, in or
16 under any present or future highway, or part thereof, within this State or have or
17 possess the right or rights, concerning said business or operations, in whole or
18 in part, except as authorized by and subject to the provisions of this Act; except,
19 further and only such right or rights as may already exist which are valid, vested
20 and incapable of revocation by any law of this State or of the United States.

21 The word petroleum as used herein means all crude oil and its manufactured
22 products, not including natural gas.

Sec. 2. RIGHT OF WAY.] For the purpose of acquiring necessary right of way,
2 every such person is hereby granted the right of condemnation by eminent do-
3 main, and the use of the highways in this State, for the purpose of transporting
4 petroleum by pipe lines and the location, laying, construction, maintaining and
5 operation thereof.

6 Corporations of other States or territories, or of the United States, otherwise
7 admissable to do business in this State, may get the benefit of this Act upon
8 compliance with the laws and constitution of this State, including the provisions
9 of the constitution, but until such compliance shall have no rights, in, on, or
10 under the highways,

11 The word "person," as used in this Act, means any natural person, partner-
 12 ship, or association of persons, or any corporation organized under the laws of
 13 the State of Illinois.

 Sec. 3. PIPE LINE COMPANIES.] Every corporation, joint stock company, lim-
 2 ited co-partnership or other person, now or hereafter claiming or exercising the
 3 right to carry or transport crude oil or petroleum or any of the products thereof,
 4 by pipe line or pipe lines, for hire, compensation, or otherwise, within the limits
 5 of this State, as allowed by and upon compliance with the requirements of this
 6 Act, as owner, lessee, licensee, or by virtue of any other right or claim, which is
 7 now engaged or hereafter shall engage in the business of purchasing crude oil or
 8 petroleum therein, shall be a common purchaser thereof and shall purchase all
 9 of the petroleum in the vicinity of or which may be reasonably reached by its pipe
 10 lines, or gathering branches, without discrimination, in favor of one producer or
 11 one person as against another, and shall fully perform all the duties of a common
 12 purchaser; but if it shall be unable to perform the same, or be legally excusable
 13 from purchasing and transporting all of the petroleum produced, then it shall
 14 purchase and transport petroleum from each person and producer ratably, in
 15 proportion to the average daily production, and such common purchasers are
 16 hereby expressly prohibited from discriminating in price or amount for like
 17 grades of oil, or facilities as between producers or persons; and in the event it
 18 is likewise a producer, it is hereby prohibited from discriminating in favor of its
 19 own production or storage in which it may be interested directly or indirectly, in
 20 whole or in part, and its own production and storage shall be treated as that of
 21 any other person or producer.

 Sec. 4. NO DISCRIMINATION.] Every corporation, joint stock company, limited
 2 co-partnership, partnership or other person, now or hereafter engaged in the bus-

3 iness of carrying or transporting crude oil, or petroleum or otherwise, by pipe
 4 line or pipe lines, within this State, and in virtue of and in conformity to, any
 5 valid law incapable of revocation by any law of this State or of the United States,
 6 or in virtue of and in conformity to the provisions of this Act, shall be a com-
 7 mon carrier thereof as at common law, and no such common carrier shall allow
 8 or be guilty of any unjust or unlawful discrimination, directly or indirectly, in
 9 favor of the carriage, transportation, storage or delivery of any crude, stock or
 10 storage oil, or any products thereof, in its possession or control, or in which it
 11 may be interested, directly or indirectly.

Sec. 5. PIPE LINES EXCLUSIVELY.] It shall be unlawful for any corporation,
 2 joint stock company, limited co-partnership, partnership or other person, now or
 3 hereafter engaged in the business of carrying or transporting crude oil or petrol-
 4 eum, or any of the products thereof, for hire or compensation or otherwise with-
 5 in the limits of this Act. and not becoming a common purchaser as defined by, and
 6 accepting the provisions of this Act, to own or operate, directly or indirectly, any
 7 oil well or wells, oil leases, or oil holdings or interests in this State, after six
 8 months next after the approval of this Act, and each and every one of said cor-
 9 porations, joint stock companies, limited co-partnership, partnerships or other
 10 persons, shall directly or indirectly, in oil well or wells, divest themselves of all
 11 legal or equitable ownership, interest or control, directly or indirectly in oil well
 12 or wells, oil leases or oil holdings or interests in this State.

Sec. 6. MUST FILE PLAT.] Before any corporation, joint stock company,
 2 limited co-partnership, partnership or other persons, shall have, possess, enjoy
 3 or exercise the right of eminent domain, right of way, right to locate, maintain
 4 or operate pipe lines, fixtures or equipment thereunto belonging, or used in con-

5 nection therewith, as authorized by the provisions of this Act, or shall have, pos-
 6 sess, enjoy or exercise any right (the word right in this connection being used
 7 in its most comprehensive legal sense) conferred by this Act, every such com-
 8 prehensive legal sense conferred by this Act, every such corporation, joint stock
 9 company, limited co-partnership, partnership or other person, shall file in the
 10 office of the said railroad and warehouse commission a proper and explicit auth-
 11 orized acceptance of the provisions of this Act and the constitution of this
 12 State, and in cases of pipe lines a plat showing in detail the points within this
 13 State between which the route along which, the trunk line or trunk lines are
 14 proposed to be constructed, the intended size and capacity thereof and the loca-
 15 tion and capacity of all pumping stations—gate valves, check valves and con-
 16 nections and appliances of all kinds, used or to be used, on said trunk line or
 17 lines; and upon demand of the railroad and warehouse commisison the proper
 18 party or parties, as required by said commission, shall promptly file a plat show-
 19 ing in detail all the lines owned and operated by them respectfully, with full
 20 and explicit information as to their capacity, size and location, and the capacity
 21 of their pumping stations, gate valves, check valves and connections, of all
 22 kinds, respectively required or used in the operation thereof.

Sec. 7. MUST REGISTER WITH STATE.] Every domestic pipe line company in
 2 this State which shall have become a body corporate pursuant to or in accord-
 3 ance with the laws of this State, and, which, as hereby provided, shall have
 4 registered its acceptance of the terms hereof—shall receive all the benefits pro-
 5 vided by this Act.

Sec. 8. MAY EXTEND TIME.] Upon a sworn showing of the necessities which
 2 would justify a judicial continuance, the railroad and warehouse commission is

3 authorized to extend the time for the filing of the said plats, not, however, to ex-
4 ceed sixty days.

Sec. 9. PENALTIES PROVIDED.] Any person, co-partnership or corporation,
2 its agent or employe, violating any of the provisions of this Act, or any order
3 of the competent courts of this State, or the railroad and warehouse commission,
4 pursuant to the jurisdiction conferred by this Act, shall upon conviction thereof,
5 be fined a sum of not less than \$1,000 nor more than \$5,000, or imprisonment for
6 not less than six months nor more than one year, or by both such fine and im-
7 prisonment, for each and every violation of this Act; but in case the monthly
8 runs or takings or transportation of oil shall average so as to be without dis-
9 crimination, as herein provided, the transaction or transactions of any particular
10 day, week or portion of a month shall be disregarded; and the competent court
11 of the county in which the commission or commisions, which is violation of this
12 Act, has occurred, shall have jurisdiction of an action under the penal code for
13 the punishment thereof; and that said penalties shall not be exclusive of civil
14 inability.

15 Whenever the operation of a valid order of a competent court or the rail-
16 road and warehouse commission is duly suspended, according to law, the puni-
17 tive provisions of this Act shall likewise be suspended in their operation as to
18 the transactions adjudicated in said court, and further, any court having juris-
18 diction of an action brought by the state to punish for a violation under the terms
20 of this Act shall not impose a punishment therefor greater than \$500 against
21 either a person or corporation, if it finds from the evidence that the violation
22 was made solely with the object of testing according to law the validity of the
23 provisions of this Act, or of the order of any competent court or of the rail-
24 road and warehouse commission, in any proceeding to carry out the provisions
25 thereof.

26 All persons, firms, associations, and corporations are exempted from the
27 provisions of this Act where the nature and extent of their business is such
28 that the public needs no use in the same, and the conduct of the same is not a
29 matter of public consequence, and, for this purpose the district courts of the
30 State and the railroad and warehouse commisison are hereby vested with juris-
31 diction to determine such exemptions in any section or proceeding properly be-
32 fore them, as provided in this Act.

Sec. 10. A properly certified transcript of the report of any such corpora-
2 tion, association or person, shall, as against the maker or makers thereof, be
3 *prima facie* evidence of the truth on any matter therein contained.

Sec. 11. Wherever the operation of the order of such court or railroad and
2 warehouse commission is duly suspended, according to law, the punitive provis-
3 ions of this Act shall likewise be suspended in their operation as to transaction
4 adjudicated in said courts.

Sec. 12. For good cause shown the railroad and warehouse commission is
2 authorized to extend the time within which this Act shall operate as to any par-
3 ticular corporation, association or person not to exceed nine months after the
4 same becomes effective.

Sec. 13. For the preservation of public peace, health and safety an emer-
2 gency is hereby declared to exist, by reason whereof this Act shall be in force and
3 effect from and after its passage and approval.

1 Introduced by Mr. Walsh, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to define trusts and conspiracies against trade, declaring contracts in violation of the provisions of this Act void, and making certain Acts in violation thereof misdemeanors, and prescribing the punishment therefor, and matters connected therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That a trust is a combination of capital, skill or
3 acts of two or more persons, firms, corporations or associations of persons, or
4 of two or more of them, for either, any or all of the following purposes:

5 *First*—To create or carry out restrictions in trade.

6 *Second*—To limit or reduce the production, or increase or reduce the price
7 of merchandise or commodities.

8 *Third*—To prevent competition in manufacture, making transportation,
9 sale or purchase of merchandise, produce or commodities.

10 *Fourth*—To fix at any standard or figure, whereby its price to the public
 11 shall be in any manner controlled or established, upon any article or commo-
 12 dity of merchandise, produce or manufacture intended for sale, use or con-
 13 sumption in this State; or to establish any pretended agency whereby the sale
 14 of any such article or commodity shall be covered up and made to appear
 15 to be for the original vendor, for a like purpose or purposes, and to enable
 16 such original vendor or manufacturer to control the wholesale or retail price
 17 of any such article or commodity after the title to such article or commodity
 18 shall have passed from such vendor or manufacturer.

19 *Fifth*—To make or enter into, or examine or carry out, any contract, obli-
 20 gation or agreement of any kind or description by which they shall bind or
 21 have bound themselves not to sell, dispose of or transport any article or com-
 22 modity, or article of trade, use, merchandise, commerce or consumption below
 23 a common standard figure, or card or list price, or by which they shall agree
 24 in any manner to keep the price of such article, commodity or transporta-
 25 tion at a fixed or graduated figure, or by which they shall in any manner estab-
 26 lish or settle the price of any article or commodity or transportation between
 27 them, or themselves and others, to preclude a free and unrestricted competi-
 28 tion among themselves or others in the sale or transportation of any such
 29 article or commodity or by which they shall agree to pool, combine or unite
 30 any interest they may have in connection with the sale or transportation of
 31 any such article or commodity that its price might in any manner be affected.

Sec. 2. That any corporation holding a charter under the laws of this
 2 State which shall violate any of the provisions of this Act shall thereby forfeit
 3 its charter and franchise, and its corporate existence shall cease and de-
 4 termine.

Sec. 3. For a violation of any of the provisions of this Act by any cor-
 2 poration mentioned herein it shall be the duty of the Attorney General or

3 prosecuting attorney, upon his own motion, or the sworn complaint of any citi-
 4 zen averring that a violation of this Act was committed, and by whom, to in-
 5 stitute suit or *quo warranto* proceedings at any county in this State in which
 6 such corporation exists, does business or may have a domicile, for the forfeit-
 7 ure of its charter rights and franchise, and the dissolution of its corporate
 8 existence.

Sec. 4. Every foreign corporation violating any of the provisions of this
 2 Act is hereby denied the right and prohibited from doing any business within
 3 this State, and it shall be the duty of the Attorney General to enforce this pro-
 4 vision by injunction or other proper proceedings in any county in which such
 5 foreign corporation does business in the name of the State on his relation.

Sec. 5. Any violation of either or all of the provisions of section 1 of
 2 this Act shall be and is hereby declared to be a conspiracy against trade, and a
 3 felony; and any person who may be or may become engaged in any such conspir-
 4 acy or take part therein or aid or advise in its commission, or who shall, as prin-
 5 cipal, manager, director, agent, servant or employe, or in any other capacity,
 6 knowingly carry out any of the stipulations, purposes, prices, rates, orders
 7 thereunder or in pursuance thereof shall be punished by fine not less than two
 8 thousand dollars nor more than five thousand dollars, and imprisonment in the
 9 penitentiary for a period not less than one and not more than ten years.

Sec. 6. If any indictment or information for any offense named in this
 2 Act, it is sufficient to state the purposes and effects of the trust or combina-
 3 tion, and that the accused was a member of, acted with or in pursuance of it,
 4 without giving its name or description, or how or where it was created.

Sec. 7. In prosecutions under this Act it shall be sufficient to prove that
 2 a trust or combination as defined herein exists, and that the defendant be-

3 longed to it, or proving or producing any article of agreement, or any written
 4 instrument on which it may have been based, or that it was evidenced by any
 5 written instrument at all.

Sec. 8. That any contract or agreement in violation of the provisions of
 2 this Act shall be absolutely void and not enforceable either in law or equity.

Sec. 9. Any purchaser of any article or commodity from any person, firm,
 2 corporation or association of persons, or of two or more of them, transacting
 3 business contrary to any provision of the preceding sections of this Act shall
 4 not be liable for the price or payment of such article or commodity and may
 5 plead this Act as a defense to any suit for such price or payment.

Sec. 10. It shall be the duty of the Secretary of State, on or before the
 2 first day of September of each year, to address to the president, secretary or
 3 treasurer of each incorporated company doing business in this State, whose post-
 4 office address is known or may be ascertained, a letter of inquiry as to whether
 5 the said corporation has all or any part of its business or interest in or with
 6 any trust, combination or association of persons or stockholders, as named in
 7 the provisions of this Act, and to require an answer, under oath, of the presi-
 8 dent, secretary or treasurer, or any director of said company, a form of affida-
 9 vit shall be enclosed in said letter of inquiry as follows:

10 AFFIDAVIT.

11 STATE OF ILLINOIS, }
 12 County of..... } ss.

13 I,, do solemnly swear that I am the.....
 14 of the corporation known and styled.....duly in-
 15 corporated under the laws of.....on the....day of.....,
 16 and now transacting or conducting business in the State of Illinois, and that

40
41 Subscribed and sworn to before me, a, within
42 and for the county of.....this....day of....., 190..
43 (Seal.) •

44 And on refusal to make oath in answer to said inquiry, or on failure to
45 do so within thirty days from the mailing thereof, the Secretary of State shall
46 certify that fact to the Attorney General, whose duty it shall be to direct the
47 State's Attorney of the county wherein such corporation or corporations are
48 located, and it is hereby made the duty of the State's Attorney, under the di-
49 rection of the Attorney General, at the earliest practical moment, in the name
50 of the People of the State of Illinois, and at the relation of the Attorney Gen-
51 eral, to proceed against such corporation for the recovery of a penalty of fifty
52 dollars for each day after such refusal to make oath, or failure to make said
53 oath within the thirty days from the mailing of said notice. Or the Attorney
54 General may, by any proper proceeding in a court of law or chancery, pro-
55 ceed upon such failure or refusal to forfeit such charter of such incorporated
56 company or association incorporated under the general laws or by any spe-
57 cial law of this State and to revoke the rights of any foreign corporation lo-
58 cated herein to do business in this State.

59 It shall be the duty of the Secretary of State, at any time upon satisfac-
60 tory evidence that any company or association of persons, duly incorporated
61 under the laws of this State or any other state, doing business in this State,
62 has entered into any trust, combination or association in violation of the pre-
63 ceding section of this Act, to demand that it shall make the affidavit, as above
64 set forth in this Act, as to the conduct of its business. In case of failure of
65 compliance on the part of the corporation, then the same procedure shall
66 ensue as is provided in section 10 of this Act: *Provided*, that no corpora-
67 tion, firm, association or individual shall be subject to any criminal prosecu-
68 tion by reason of anything truthfully disclosed by the affidavit required by
69 this Act, or truthfully disclosed in any testimony elicited in the execution
70 thereof. The Secretary of State is hereby authorized and required to charge
71 and collect of each corporation a fee of one dollar for receiving and filing the

72 affidavit herein provided for, to be accounted for as other fees received by him.
73 To enable the Secretary of State to discharge the additional duties devolving
74 upon him in the execution of this Act there is hereby appropriated out of any
75 funds in the State treasury not otherwise appropriated, or so much thereof as
76 may be necessary, the sum of six thousand dollars per annum, payable to the
77 Secretary of State on his order upon proper vouchers as required by law.

1 Introduced by Mr. Wheelan, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to amend section 11 of an Act entitled, "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 11 of an Act entitled, "An Act to provide for the deposit of reserve and the registration of policies and annuity bonds by life insurance companies of this State," approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 20, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

7 Sec. 11. Any company making deposits and registering its policies and
8 annuity bonds pursuant to this Act may, on *July 1, 1909*, cease to deposit the
9 reserve upon and to register its policies and annuity bonds issued on and

10 after said date. Such discontinuance must commence to take effect on *July 1*,
11 1909, and not thereafter. Nothing in this section contained shall be construed
12 to extend to or affect any policy or annuity bond registered prior to said date,
13 nor the obligation of the company issuing the same to maintain and increase
14 the deposit thereon, in accordance with the provisions of this Act.

- 1 Introduced by Mr. Wheelan, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act relating to fire insurance, and to provide for the regulation and control
of rates of premium thereon, and to prevent discriminations therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every fire insurance company shall file with
3 the superintendent of insurance, general basis schedules, showing the rates on
4 all classes of risks insurable by such fire insurance company in this State, and
5 all charters, credits, terms, privileges and conditions which in any wise affect
6 such aforesaid rates or the value of the insurance issued to assured.

Sec. 2. No change shall be made in the schedules which have been filed in
2 compliance with the requirements of this Act, except after ten days' notice to
3 the superintendent of insurance, which notice shall plainly state the changes
4 proposed to be made in the schedules then in force and the time when such
5 changes will go into effect; and such changes shall be shown by filing new

6 schedules or shall be plainly indicated on the schedules in force at the time:
7 *Provided*, that the superintendent of insurance may, in his discretion and for
8 good cause shown, allow changes upon less than the notice specified herein,
9 either in particular instances or by general order applicable to special or pe-
10 culiar circumstances or conditions.

Sec. 3. When the superintendent of insurance shall determine that any
2 rate made by the insurance company in this State is excessive or unreasonably
3 high, or that said rate is not adequate to the safety or soundness of the com-
4 pany granting the same, he is authorized to direct said company to publish and
5 file a higher or lower rate, which shall be commensurate with the character of
6 the risk, but in every case the rate shall be reasonable.

Sec. 4. That no fire insurance company shall engage or participate in the
2 insurance of any property located in this State unless the schedule of rates
3 under which such property is insured has been filed in accordance with the
4 provisions of this Act; nor shall any fire insurance company write any insur-
5 ance at a rate different from the rate named in its schedules, or refund or
6 remit in any manner or by any device, any portion of the rates so established.
7 or extend to any insured or other person any privileges, advantage, favor, in-
8 ducement or concession, except as is specified in such schedule.

Sec. 5. Any fire insurance company entering into any contract of insur-
2 ance on property located within this State for which no rate has been filed by
3 such company as provided in section 1 of this Act, shall within thirty days
4 after entering into such contract, file with the superintendent of insurance,
5 in such form as may be required by him, a schedule of such property, showing
6 the rate thereon and such information as may be required by such superin-
7 tendent of insurance. Such schedule shall conform to the general basis sched-
8 ules as provided in section one of this Act and when filed shall constitute the
9 premium rate of such company for the described property.

Sec. 6. That all schedules and local tariffs filed in accordance with the provisions of this Act shall be open to the inspection of the public, and such local agent shall have and exhibit to the public copies thereof, relative to all risks upon which he is authorized to write insurance.

Sec. 7. That no fire insurance company shall directly or indirectly, by any special rate, tariff, rebate, drawback or other device, charge, demand, collect or receive from any person or persons a greater or less or different compensation for the insurance of any property located in this State than it charges, demands, collects or receives from any other person or persons for like insurance or risks of a like kind and hazard under similar circumstances and conditions in this State; and any fire insurance company violating any of the provisions of this section shall be deemed guilty of unjust discrimination, which is hereby declared to be unlawful.

Sec. 8. That the superintendent of insurance, if he shall find that any insurance company, or any officer, agent or representative thereof, has violated any provisions of this Act, may, in his discretion, revoke the license of such offending company, officer or agent; but the revocation of any license, as provided in this section, shall in no manner affect the liability of such company, officer, agent or representative to the infliction of any other penalty hereinafter provided by any other section for violation of this Act: *And, provided*, that any action, decision or determination of the superintendent of insurance under the provisions of this Act, shall be subject to review by the courts of this State as herein provided.

Sec. 9. The superintendent of insurance shall not make any regulation or order without giving the insurance company concerned, reasonable notice thereof, and an opportunity to appear and be heard in respect to the same, and if any insurance company or other person, city or municipality, which shall be

5 interested in said order, shall be dissatisfied with any regulation, order or rate
6 adopted by said superintendent of insurance, said party or parties shall have
7 the right within thirty days after the making of said regulation or order to
8 bring an action against said superintendent of insurance in any court of
9 competent jurisdiction of the State of Illinois to have such regulation or or-
10 der vacated, and shall set forth in the petition the particular regulation or
11 order complained of and the particular cause or causes of objection to any or
12 all of them, and a summons shall be served upon the superintendent of insur-
13 ance by delivering a copy thereof to his office at the State capitol, and such ser-
14 vice may be held by the clerk delivering a certified copy of said summons by
15 mail to the said superintendent of insurance at his office. Issues shall be
16 formed and the controversy tried and determined as in other cases of a civil
17 nature; and the court may set aside, vacate or annul one or more or any part
18 of any of the regulations or orders adopted or fixed by the said superintend-
19 ent of insurance, which shall be by said court found to be unreasonable, un-
20 just, excessive or inadequate to compensate the company writing insurance
21 thereon for the risk assumed by it without disturbing others. No injunction, in-
22 terlocutory order or decree, suspending or restraining the enforcement of an
23 order of the superintendent of insurance, shall be granted: *Provided*, that
24 the court may permit any company complaining under this Act, to write in-
25 surance at any rates which obtained prior to the ordering of the rate com-
26 plained of, by the superintendent of insurance, upon condition that the differ-
27 ence between the rate complained of by the company and the rate at which
28 it seeks to write insurance may be deposited with the superintendent of in-
29 surance and on the final determination of the suit shall be paid by him to the
30 insurance company, if the court shall find it entitled to the same, or to the
31 holders of policies written by said company after the rate complained of was
32 ordered by the superintendent of insurance, as the court may deem just and

equitable. Whenever any action shall be brought by any insurance company under the provisions of this section within said period of thirty days, no penalties or forfeiture shall attach or accrue on account of the failure of the plaintiff to comply with the order sought to be vacated or modified in said action until the final determination of said suit. Either party to said cause, if dissatisfied with the judgment or decree of said court, may institute proceedings in error in the supreme court as in other civil cases, and said court shall examine the record, including the evidence, and render such judgment as shall be just and equitable in the premises. No action shall be brought in any of the courts of the United States to set aside any order made by the superintendent of insurance under the provisions of this Act before all of the remedies provided for herein shall have been exhausted by the party complaining. And if any company organized under the laws of this State, or authorized to transact the business of insurance in this State by the superintendent of insurance, shall violate this section, the superintendent of insurance may cancel the authority of said insurance company to transact business in this State.

Sec. 10. That any fire insurance company or any director or officer thereof, or any agent or person acting for or employed by such company, who alone or with any other corporation, company or person, shall wilfully do or cause to be done, or shall wilfully suffer or permit to be done any act, matter or thing in this Act prohibited or declared to be unlawful, or who shall wilfully omit or fail to do any act, matter or thing in this Act required to be done, or shall cause or wilfully suffer or permit any act, matter or thing so directed by this Act to be done, not to be done, or shall be guilty of any infraction of this Act, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$100 for each offense: *Provided*, that if the offense for which any person shall be convicted, as aforesaid, shall be an unlawful discrimination, such person shall be punished by a fine not exceeding

13 \$100, or by imprisonment in the county jail for a term not exceeding ninety
14 days, or by both such fine and imprisonment.

Sec. 11. No person shall be excused from giving testimony or producing evi-
2 dence, when legally called upon so to do at the trial of any other person charged
3 with violation of any of the provisions of this Act, on the ground that it may
4 tend to incriminate him under the laws of this State; but no person shall be
5 prosecuted or subject to any penalty or forfeiture for or on account of any
6 transaction, matter or thing concerning which he may so testify or produce evi-
7 dence, under the authority of this Act, except for perjury committed in so
8 testifying: *Provided*, that nothing in this Act shall affect farmers' mutual
9 insurance companies, organized and doing business under the laws of this State
10 and insuring only farm property.

AMENDMENT TO

46th Assem.

HOUSE—No. 529

May 1909

Adopted May 11, 1909.

Amend House Bill No. 529 by striking out, on page 6, line 8, the word “farmers,” just before the word “mutual;” and by adding the word “fire” just after the word “mutual,” on page 6, line 8, and striking out the words on page 6, line 10, “and insuring only farm property.”

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- 1 Introduced by Mr. Bush, April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 16 of an Act entitled, "An Act to establish appellate courts," approved June 2, 1877, in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 16 of an Act entitled, "An Act to establish appellate courts," approved June 2, 1877, in force July 1, 1877, be and the same is hereby amended to read as follows:

5 Sec. 16. Appeals and writs of error may be taken to the appellate court in
6 the district in which the case is decided or by consent of the parties to any other
7 district: *Provided*, that in any case where the judge presiding at the trial in
8 the circuit court is also a member of the appellate court in the district where the
9 case is tried, such appeal shall on motion of either party be prosecuted to the

- 10 appellate court of some other district than that in which the case is decided.
- 11 which shall be designated by the trial judge in the order granting the appeal,
- 12 unless the parties agree upon the district to which the appeal shall be taken.

1 Introduced by Mr. Bush, April 1, 1909.

2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to amend section 1 of an Act entitled "An Act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874, as amended by an Act approved May 29, 1879, in force July 1, 1879, be amended so as to read as follows:

6 Sec. 1. That every railroad corporation shall, within six months after any
7 part of its line is open for use, construct suitable and sufficient fences to pre-
7 vent cattle, horses, sheep, hogs or other stock, from getting on such railroad,
8 except at the crossings of public roads and highways, and within such portions
9 of cities and incorporated towns and villages as are or may be hereafter laid

10 out and platted into lots and blocks, with gates or bars, at the farm crossings of
11 such railroad, which farm crossings shall be constructed by such corporations
12 when and where the same may become necessary, for the use of the proprietors
13 of the land adjoining such railroad; and shall also construct, where the same has
14 not already been done, and thereafter maintain at all road crossings now ex-
15 isting or hereafter established, cattle guards suitable and sufficient to prevent
16 cattle, horses, sheep, hogs and other stock from getting on such railroad; and
17 when such fences or cattle guards are not made as aforesaid, or when such
18 fences or cattle guards are not kept in good repair, such railroad corpora-
19 tions shall be liable for all damages which may be done by the agents, engines,
20 cars, *electric current, apparatus, equipment or other property* of such corpora-
21 tion to such cattle, sheep, hogs or other stock thereon, *and for any and all other*
22 *loss, damage and injury resulting either directly or indirectly from the failure*
23 *or neglect of said corporation to so construct and maintain such fences and*
24 *cattle guards*, and reasonable attorney's fees in any court wherein suit is
25 brought for such damages, or to which the same may be appealed; but where
26 such fences and guards have been duly made and kept in good repair, such
27 railroad corporation shall not be liable for any such damages unless negli-
28 gently or wilfully done.

AMENDMENTS TO

46th Assem.

HOUSE—No. 531

May 1909

Adopted May 18, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 531 by inserting in line 20 of the printed bill after the word "cars" the word "or."

AMENDMENT NO. 2.

Amend House Bill No. 531 by inserting in line 20 of the printed bill after the word "current" the words "upon the right-of-way."

AMENDMENT NO. 3.

Amend House Bill No. 531 by striking out in line 20 of the printed bill after the word "current" the words "apparatus, equipment or other property."

AMENDMENT NO. 4.

Amend House Bill No. 531 in line 21 of the printed bill by striking out after the word "thereon" the words "and for any and all other loss, damage and injury resulting either directly or indirectly from the failure by neglect of said corporation to so construct and maintain said fences and cattle guards."

AMENDMNT NO. 5.

Amend House Bill No. 531 by inserting in line 21 of the printed bill after the word "thereon" the words "and such railroad corporation shall be liable for all damages which may be done by the agents, engines, cars or electric current."

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- 1 Introduced by Mr. Bush (by request), April 1, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act regulating the handling of freight in car load lots by railroad companies, shippers and consignees, and imposing car service charges and penalties, for the use and detention of cars and failure to furnish cars and transport the same, and imposing terms for the confiscation of merchandise by railroads, and also, giving to the Railroad and Warehouse Commissioners the power to regulate demurrage and all rules and practices relating thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That any railroad company engaged as
3 a common carrier in the transportation of freight in car load lots, upon written
4 request of any shipper to furnish suitable car or cars to be loaded for shipment
5 over the railroad operated by such railroad company within the State of Illi-
6 nois, shall, within ninety-six (96) hours thereafter the same to be known as free
7 time, Sundays and legal holidays excepted, place at the named loading point the
8 car or cars so required: *Provided,* That if the application be for ten cars or

9 more the carrier shall have eight full days, the same to be known as free time,
10 in which to supply the cars, and for each twenty-four (24) hours' delay or frac-
11 tion thereof, on the part of such railroad company, in not placing such car or
12 cars, at such loading point, beyond said allowed period, such railroad company
13 shall become indebted, and on demand shall pay to such shipper the sum of one
14 dollar for each and every car not so placed at such loading point within the time
15 above named. When a shipper makes application to a railroad company to
16 furnish one or more freight cars, specifies a future day, giving not less than
17 ninety-six (96) hours' notice when less than ten cars are ordered or eight days'
18 notice when ten or more cars are required, then it shall be the duty of said
19 railroad company to furnish such car or cars on the day specified in the ap-
20 plication.

Sec. 2. Any railroad company mentioned in section one of this Act, upon
2 receipt of notice from a shipper that one or more cars have been loaded by such
3 shipper and are ready for delivery to such company at the place of loading
4 thereof, to be carried on the road of such company towards the destination there-
5 of, shall remove such car or cars from such loading point and forward the same
6 toward destination within twenty-four (24) hours, the same to be known as free
7 time, after receiving such notice, Sundays and legal holidays excepted; and for
8 every delay of twenty-four (24) hours, or fraction thereof, after the expiration
9 of the period herein allowed for the removal thereof, such railroad company
10 shall become indebted and upon demand shall pay to consignor or party whose
11 interest may appear, the sum of one dollar for each and every car so received
12 and not forwarded upon its lines within the time above allowed.

Sec. 3. Any railroad company mentioned in section one of this Act which
2 shall receive from a connecting railroad company one or more cars of freight

3 consigned to any point on or beyond its line, within twenty-four (24) hours after
4 such car or cars are offered to it, or are placed on its transfer or other tracks,
5 shall forward said car or cars over its railroad towards destination; and for
6 every delay of twenty-four (24) hours, or fraction thereof, on the part of said
7 railroad company in forwarding said car or cars beyond said allowed period
8 of twenty-four (24) hours, the same to be known as free time, said railroad com-
9 pany shall become indebted and upon demand shall pay to the consignee or
10 party whose interest may appear, the sum of one dollar for each and every car so
11 received and not forwarded upon its lines within the time above allowed.

Sec. 4. When any railroad company in this State shall have received from
2 any shipper, or from a connecting railroad, for shipment over its railroad, one or
3 more cars of freight, it shall be the duty of such company receiving such car or
4 cars of freight within twenty-four (24) hours thereafter to forward the same
5 from the place of shipment towards the point of destination, and after being
6 started forward, such car or cars of freight shall be continued in transit towards
7 the destination thereof at a rate of not less than average speed of sixty (60)
8 miles per day of twenty-four hours; and upon the failure of such railroad com-
9 pany to transport such car or cars at the speed herein indicated, such railroad
10 company shall become indebted and on demand shall pay to the consignor or
11 the party whose interest may appear, the sum of one dollar for each and every
12 car for each twenty-four (24) hours or fraction thereof consumed in the trans-
13 portation of said car or cars in excess of the time herein prescribed; and in ascer-
14 taining the time consumed in the shipment of such car or cars, the time shall be-
15 gin to run twenty-four (24) hours, the same to be known as free time, after the
16 date of the bill of lading or receipt given for said car or cars by said railroad
17 company, which bill of lading or receipt shall be received by the courts of this

18 State as *prima facie* evidence of the time when said car or cars were received by
 19 such company: *Provided*, That this shall not be construed to authorize such
 20 sixty (60) miles per day as a proper legal rate of speed for the transportation of
 21 live stock and perishable freight, nor release the railroad companies from any lia-
 22 bility for their negligence in failing to handle such shipments at a prompt and
 23 reasonable rate of speed.

Sec. 5. It shall be the duty of every railroad company mentioned in Section
 2 one of this Act to deliver at the usual place of unloading by the consignee all cars
 3 of freight handled by it for delivery to said consignee within twenty-four (24)
 4 hours the same to be known as free time, Sundays and legal holidays excepted,
 5 after the same shall have reached the yards of the railroad company at said point
 6 of destination; and for each and every delay of twenty-four (24) hours or frac-
 7 tion thereof in not so delivering the same after the expiration of the time herein
 8 prescribed, said railroad company shall become indebted and on demand shall pay
 9 to the consignee or the party whose interest may appear, the sum of one dollar
 10 for each and every car not so delivered within the time herein allowed.

Sec. 6. It shall be the duty of any shipper, in compliance with whose re-
 2 quest any railroad company, mentioned in Section one of this Act, has placed one
 3 or more cars at the usual loading point of said shipper, to fully complete the
 4 loading thereof ready for redelivery to said company within forty-eight (48)
 5 hours, the same to be known as free time, after the same shall have been placed
 6 at such loading point, Sundays and legal holidays excepted, which full period for
 7 loading is allowed the shipper free from demurrage charges; and for every
 8 twenty-four (24) hours or fraction thereof of delay beyond said period in so
 9 loading said car or cars, such shipper shall become indebted and on demand shall

10 pay to said railroad company the sum of one dollar for each and every car so
 11 placed and not loaded and ready for redelivery within the time allowed herein.
 12 But if on account of delay or irregularity on the part of the said railroad com-
 13 pany in filling orders, cars are bunched in excess of the ability of the shipper to
 14 load, as indicated in his applications, the shipper shall be allowed separate and
 15 distinct periods of free time within which to load the car or cars specified in each
 16 separate application. If, however, a shipper fails to begin loading within forty-
 17 eight (48) hours after the expiration of free time, the railroad company shall con-
 18 sider the car or cars released and may assess and collect four dollars on each
 19 and every car which a shipper so detains and fails to load. If a shipper, after
 20 ordering a car or cars for the shipment of freight, and said car or cars have been
 21 placed for loading by the railroad company at the point designated, desires to re-
 22 lease said car or cars, he may do so by notifying the railroad company, but no
 23 free time shall be allowed and said shipper shall pay to the railroad company one
 24 dollar for each twenty-four (24) hours or fraction thereof on each car so ordered
 25 and released: *Provided, however,* That if said cars so placed for loading or un-
 26 loading shall have a capacity in excess of sixty thousand (60,000) pounds, the
 27 shipper or consignee shall be entitled to twenty-four (24) hours additional free
 28 time.

Sec. 7. It shall be the duty of the consignee of each and every car delivered
 2 by any railroad company mentioned in section one of this Act, at the usual place
 3 of unloading by the consignee, to fully unload such car or cars within forty-
 4 eight (48) hours, the same to be known as free time, Sundays and legal holi-
 5 days excepted, from the time the same shall be placed at the usual unloading
 6 point of consignee, and after notice has been given to consignee as provided in
 7 this Act, which full periods are allowed the consignee for unloading free from

8 demurrage charges; and for each and every delay of twenty-four (24) hours,
9 or fraction thereof, on the part of the consignee in unloading such car or cars
10 beyond the said above periods respectively, the consignee shall become indebted,
11 and on demand pay to the railroad company delivering such car or cars the sum
12 of one dollar for each and every car not so unloaded within the time herein pre-
13 scribed.

14 *Provided, however,* That when on account of delay, irregularity in trans-
16 portation, or any other cause, cars are bunched and delivered to consignee in
16 numbers beyond his reasonable ability to unload by the exercise of usual dili-
17 gence within the free time prescribed, he shall be allowed by the carrier twenty-
18 four (24) hours additional free time for unloading each and every car so de-
19 livered, or tendered for delivery, in excess of consignee's capacity for un-
20 loading.

Sec. 8. For all shipments of freight in carload lots on the railroads men-
2 tioned in section one of this Act, proper bills of lading showing the date of de-
3 livery to such railroad company, the shipper's marks and numbers of each car
4 so shipped shall be issued on demand by the railroad company and delivered
5 to the consignor at the time of receiving such car or cars; which bills of lading
6 shall forthwith be transmitted by the consignor to the consignee, and the same,
7 when offered by any party in any cause pending in any court in this State, shall
8 be received and admitted in evidence by such court as *prima facie* evidence of the
9 time when delivery of such car or cars was made by the consignor to such rail-
10 road company, and the contents thereof when so delivered to such company, and
11 such railroad company shall be subject to a penalty of one hundred (\$100.00)
12 dollars for its refusal to furnish such consignee such bill of lading for each

13 car so received by it; such penalty to be recovered, with costs of suit, by the
14 consignee of such car or cars from the railroad company so in default.

Sec. 9. Legal notice as referred to in this Act may be either actual or constructive. Actual shall be when the consignee or his agent is personally served with notice of the arrival of car or cars, when the same are placed for loading or unloading at or before 10 a. m. of any day, free time begins at that hour and if such consignee or his agent is served with notice that such car or cars were placed for loading or unloading after 10 a. m. and before 6 p. m. of any day, free time begins at 7 a. m. the day following. Constructive notice consists of posting notice by mail to consignee. When constructive notice is given to consignee or his agent, there shall be given twenty-four (24) hours' additional free time.

Sec. 10. The period during which furnishing cars for the movement of freight is suspended on account of accident or for any cause which the said railroad company could not have prevented without injuriously interfering with the practical operations of its road, or during which the loading or unloading of freight by shipper or consignee is impracticable by reason of inclement weather, which would cause injury or damage to such freight, shall be added to the free time allowed in this Act and counted as additional free time..

Sec. 11. That any person, firm or corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any railroad or common carrier, subject to the provisions of this Act in contravention of the provisions thereof, may apply to the Railroad and Warehouse Com-

6 missioners by petition which shall briefly state the facts whereupon a statement
7 of the charges thus made shall be forwarded by the Commission to such rail-
8 road or common carrier who shall be called upon to satisfy the complaint or to
9 answer the same in writing within a reasonable time to be specified by the
10 Commisison.

Sec. 12. That if, after hearing on a complaint made as provided in Section
2 11 of this Act, the Railroad and Warehouse Commissioners shall determine that
3 any party complainant is entitled to an award of damages under the provisions of
4 this Act for a violation thereof, the Commission shall make an order directing the
5 carrier to pay to the complainant the sum to which said complainant is entitled,
6 on or before a day named. If a carrier does not comply with the order for the
7 payment of money within the time limit in such order the complainant, or any
8 person or persons for whose benefit such order was made, may file in any of the
9 courts in the county in which he resides, or in which is located the principle op-
10 erating office of the carrier, or through which the road of the carrier runs, a pe-
11 tition setting forth briefly the causes for which said complainant claims damages
12 and the order of the commissioners in the premises.

13 Such suit shall proceed in all respects like other civil suits for damages ex-
14 cept that on the trial of said suit the order of the commissioners shall be *prima*
15 *facie* evidence of the facts therein stated, and except that the petitioner shall not
16 be liable for costs in any of said courts at any subsequent stage of the proceed-
17 ings unless they accrue upon his appeal. If the petitioner shall finally prevail
18 he shall be allowed a reasonable attorney's fee to be taxed and collected as a part
19 of the cost of the suit. All complaints for the recovery of damages shall be filed
20 with the commissioners within two years from the time the cause of action ac-

crues and not after, and a petition for the enforcement of any order for the payment of money shall be filed in any of the aforesaid mentioned courts within one year of the date of the order and not after.

Sec. 13. It shall be the duty of every railroad company to fill applications for cars in the order in which such applications are made, and failure to comply with this provision of this Act shall subject said railroad company to a penalty of one hundred (\$100.00) dollars for each violation, such penalty to be recovered by the complainant aggrieved thereby, together with said complainant's reasonable attorney's fees to be fixed by the court, and costs of suit.

Sec. 14. Nothing in this Act shall in any wise affect the right or remedy of any shipper or other person, as the same may exist at common law or under any statute to recover on account of failure, delay or refusal to furnish cars, nor to exempt in any wise any such railroad company from any of the provisions imposed upon railroad company and common carriers by the common law and all remedies specified herein shall be cumulative to those already existing under any statute or at common law.

Sec. 15. The payment of said railroad company of demurrages provided in this Act shall in no way invalidate or offset any claim any shipper or consignee may have or make for damage occasioned by unusual delay on the part of such railroad company or other cause, but shall be further remedy and in addition to any already existing: And no railroad company shall be allowed to remove cars after having placed them for unloading because of consignee's failure to have paid demurrage bills which are in dispute between the railroad company and said consignee.

Sec. 16. If any common carrier subject to the provisions of this Act shall do,
2 cause or permit to be done, anything hereinbefore prohibited, or shall omit to do
3 anything in this Act required to be done, it shall be liable to the person or per-
4 sons injured thereby for the amount of all demurrage charges as in this Act pro-
5 vided, and in addition thereto the amount of damages sustained in consequence,
6 together with costs of suit and a reasonable attorney's fee to be fixed by the
7 court, which shall be taxed and collected as part of the cost in the case, but in all
8 cases demand in writing shall be made for the money damages sustained before
9 action is brought for a recovery under this section, and no action shall be brought
10 until thirty (30) days after such demand.

Sec. 17. If the bill of lading for any car or cars is transferred while such
2 car or cars are in transit and under control of the railroad company, or if the
3 consignor or consignee reconsigns any car or cars while the same are in transit,
4 and under the control of the railroad company, and notice of the transfer of
5 such bill of lading or the reconsignment of such car or cars is given to the rail-
6 road company, the railroad company shall then give notice of the arrival of such
7 car or cars to the transferee of such bill of lading or to the person or corpora-
8 tion to whom such car or cars are reconsigned, upon the same terms and con-
9 ditions as notice must be given to the transferor of the bill of lading or to the
10 original consignee and the free time given herein for the unloading of cars shall
11 inure to the benefit of any transferee of such bill of lading or to the person or
12 corporation to whom such car or cars shall be reconsigned.

Sec. 18. That whenever any dispute concerning demurrage charges speci-
2 fied in this Act shall arise between any consignee or party whose interest may
3 appear and any railroad company, and the railroad company refuse to deliver

4 to consignee any car or cars because of unpaid demurrage, the consignee may
5 pay to the railroad company the amount claimed under protest without assign-
6 ing his reasons therefor, and thereafter may pursue any remedy herein given or
7 which may already exist under the common law or any statute of this State.

Sec. 19. The Railroad and Warehouse Commission are hereby authorized
2 and empowered to hear and determine, from time to time, the complaints of
3 shippers throughout the State, as to rules, tariff provisions and practices of rail-
4 road companies relating to demurrage.

Sec. 20. Whenever any railroad company or common carrier shall confis-
2 cate, convert, or divert, to its own use, the contents of any car or cars which
3 have been delivered to it, or its agents, or employes, for transportation, it shall
4 within twenty-four (24) hours thereafter, notify the consignee of such confisca-
5 tion and shall within thirty (30) days thereafter pay to the consignee thereof the
6 full market price at the point to which same is consigned, of the commodity so
7 confiscated, converted, or diverted, to its own use, and in addition thereto the
8 sum of Ten (\$10.00) Dollars per car as exemplary damages for which sum the
9 railroad company or common carrier shall become indebted to pay to the con-
10 signee or other party whose interest may appear within thirty (30) days there-
11 after.

- 1 Introduced by Mr. Blair, by request, April 1, 1909.
2 Read by title, ordered printed and referred to Committee on License.

A BILL

For an Act to regulate the sale of spirituous or malt liquors.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no spirituous or intoxicating liquors shall be
3 sold within three miles of an educational institution which is assisted by the
4 State of Illinois by way of appropriation.

Sec. 2. Any person or persons who shall violate section one of this Act
2 shall be fined not less than twenty dollars or more than two hundred dollars
3 for each and every offense, and confined in the county jail of said county not
4 less than thirty days.

- 1 Introduced by Committee on Judiciary, April 1, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act creating attorneys' liens and for enforcement of same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That attorneys' at law shall have a lien upon all
3 claims, demands and causes of action, including all claims for unliquidated
4 damages, which may be placed in their hands by their clients for suit or collec-
5 tion, or upon which suit or action has been instituted, for the amount of any
6 fee which may have been agreed upon by and between such attorneys and their
7 clients, or, in the absence of such agreement, for a reasonable fee, for the ser-
8 vices of such attorneys rendered or to be rendered for their clients on account
9 of such suits, claims, demands or causes of action: *Provided, however,* such attor-
10 neys shall serve notice in writing upon the party against whom their clients may
11 have such suits, claims, or causes of action, claiming such lien and stating therein
12 the interest they have in such suits, claims, demands or causes of action, and

13 such lien shall attach to any verdict, judgment or decree entered and to any
14 money or property which may be recovered, on account of such suits, claims,
15 demands or causes of action, from and after the time of service of the afore-
16 said notice. On petition filed by such attorneys or their clients any court of
17 competent jurisdiction shall, on not less than five days' notice to the adverse
18 party, adjudicate the rights of the parties and enforce such lien in term time
19 or vacation.

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- 1 Introduced by Mr. Gray, by request, April 1, 1909.
 - 2 Read by title, ordered printed and to lie on the Speaker's table.

A BILL

For an Act to amend sections six (6) and eight (8) of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections six (6) and eight (8) of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved April 24, 1899, in force July 1, 1899, be hereby amended to read as follows:

6 Sec. 6. The State Board of Health may refuse to issue the certificates pro-
7 vided for in this Act, *and the Act to which this Act is an amendment*, to indi-
8 viduals who have been convicted of criminal abortion, or who have by false or
9 fraudulent representation obtained or sought to obtain practice in their profes-
10 sion, or by false or fraudulent representation of their profession have obtained

11 or sought to obtain money or any other thing of value, or who advertise under
 12 names other than their own, or for any other unprofessional or dishonorable
 13 conduct, and the board, for like causes, may revoke such certificates, *and the*
 14 *certificates issued under the provisions of "An Act to regulate the practice of*
 15 *medicine in the State of Illinois," approved May 28, 1877, in force July 1, 1877,*
 16 *and an Act entitled "An Act to regulate the practice of medicine in the State*
 17 *of Illinois," approved June 16, 1877, in force July 1, 1877: Provided, that no*
 18 certificate shall be revoked or refused until the holder or applicant shall be
 19 given a hearing before the board.

20 Sec. 8. That any itinerant vendor of any drug, nostrum, ointment or ap-
 21 pliance of any kind intended for the treatment of diseases or injury, *or any*
 22 *itinerant vendor* who shall, by writing or printing or any other method, profess
 23 to the public to cure or treat disease or deformity by any drug, nostrum or ap-
 24 plication, shall pay a license of one hundred (100) dollars per month into the
 25 treasury of the board, to be collected by the board in the name of the People
 26 of the State of Illinois, for the use of said board. And it shall be lawful for
 27 the State Board of Health to issue such license on application made to said
 28 board, said license to be signed by the president of the board, and attested by
 29 the secretary with the seal of the board; but said board may, for sufficient
 30 cause, refuse said license. *An itinerant vendor within the meaning of this Act*
 31 *shall include any person who, acting either as principal or agent, shall peddle,*
 32 *vend, sell, take orders for or give away any drug, nostrum, ointment or appli-*
 33 *ance of any kind intended for the treatment of diseases, or injury, from place*
 34 *to place, house to house, in public places, or on any public street. Any itin-*
 35 *erant vendor who shall do any of the acts described in this section without a*
 36 *license from the State Board of Health authorizing him or her so to do, shall*
 37 *be deemed guilty of a violation of this section, and upon conviction shall be*
 38 *subjected to the penalties hereinafter provided.*

- 1 Introduced by Mr. Scanlan, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Canal and River
Improvements and Commerce.

A BILL

For an Act to amend section 8 of an Act entitled “An Act to revise the law in relation to the Illinois and Michigan canal and for the improvement of the Illinois and Little Wabash rivers,” approved March 27, 1874, in force July 1, 1874; as amended by an Act approved June 19, 1891, in force July 1, 1891; as amended by an Act approved April 21, 1899, in force July 1, 1899; as amended by an Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of an Act entitled “An Act to revise the law in relation to the Illinois and Michigan canal and for the improvement of the Illinois and Little Wabash rivers,” approved March 27, 1874, in force July 1, 1874; as amended by an Act approved June 19, 1891, in force July 1, 1891; as amended by an Act approved April 21, 1899, in force July 1,

7 1899; as amended by an Act approved May 16, 1905, in force July 1, 1905, be
8 and the same is hereby amended so as to read as follows:

9 Sec. 8. Said commissioners shall have control and management of the
10 Illinois and Michigan canal, including its feeders, basins and appurtenances,
11 and the property thereto belonging, and all locks and dams and other improve-
12 ments of the navigation of the Illinois and Little Wabash rivers, and shall have
13 authority:

14 *First*—To appoint a general superintendent, collector of tolls and such
15 other officers and agents as may be necessary for the management of the said
16 canal, locks, dams and other improvements, and prescribe their compensation,
17 powers and duties, and remove them at pleasure, and may employ all such
18 agents and servants as may be necessary in the performance of the duties of
19 their office.

20 *Second*—To prescribe reasonable rules and regulations in respect to all
21 matters connected with the navigation and use of the said canal, locks and dams
22 and transportation on or through the same; and whoever shall wilfully or neg-
23 ligently refuse or neglect to comply with such rules may be fined in any sum
24 not exceeding \$50 for each offense, to be recovered in the name of the People
25 of the State of Illinois, before any justice of the peace in the county, and paid
26 over to said commissioners, and said commissioners may prohibit all persons
27 who wilfully refuse or neglect to comply with such rules from using said canal,
28 locks and dams. Printed copies of such rules and of this article shall be posted
29 for public inspection in the offices of the collectors of tolls. The power granted
30 in this article shall apply as well to that part of the south branch of the Chi-
31 cago river within one thousand feet of the lock at Bridgeport, and to the canal
32 basin at or near the termination of the canal on the Illinois river, and to that
33 part of the Illinois and Little Wabash rivers above and below the several locks

34 and dams within one thousand feet thereof, and to all feeders, basins and lat-
 35 erals as to the canal, locks and dams.

36 *Third*—To establish and collect reasonable rates of toll for the passage and
 37 use of the said canal and the said locks: *Provided*, that the use of the said
 38 canal and locks shall be free for the transportation of any property of the
 39 United States or persons in their service passing through the same.

40 *Fourth*—To sell and dispose of any machinery, fixtures, stone, debris, ma-
 41 terial or personal property unnecessary for the proper management, construc-
 42 tion, repair or use of said canal, locks, dams and other improvements

43 *Fifth*—To lease from time to time any of the canal lands or lots owned
 44 by the State: *Provided*, no lease shall be for a period exceeding twenty years.

45 *Sixth*—To lease from time to time, to the highest bidder therefor, any
 46 water power and lands or lots connected therewith. Before any such lease
 47 shall be made, at least thirty days' public notice of the intended letting shall
 48 be given by publication in some newspaper published in the neighborhood, and
 49 such other notice as the commissioners shall deem best. The commissioners
 50 shall have power to require that bids be accompanied by security and may re-
 51 ject all bids not satisfactory to them, and re-advertise until they shall receive
 52 satisfactory bids. No lease shall be for a period exceeding twenty years, but
 53 the commissioners may provide for the extension of any lease from time to
 54 time, not exceeding twenty years at any one time, at a rent to be fixed by an
 55 appraisal, to be made by three disinterested appraisers to be appointed by the
 56 Governor, and such appraisal shall be subject to the approval of the commis-
 57 sioners. All leases of water power and extension thereof shall be subject to
 58 the right of the commissioners to resume, without compensation, to the lessee,
 59 the use of any such water power for the purpose of the canal, and also wholly
 60 to abandon or destroy the work by the construction of which the water privi-
 61 lege shall have been created, whenever, in the opinion of the Legislature, such
 62 work shall cease to be advantageous to the State.

63 *Seventh*—To lease from time to time, to the highest and best bidder (after
 64 publishing notice in some newspaper published in the county where the ice privi-
 65 lege to be leased may be), in sections not exceeding one thousand feet, lineal
 66 measure, upon such terms as not to interfere with the proper use and man-
 67 agement of the canal, the right to take and harvest ice therefrom, or from any
 68 of its feeders, basins and appurtenances, and to prohibit all persons from tak-
 69 ing and harvesting ice therefrom without such lease: *Provided*, no such lease
 70 shall be for a longer time than twenty years.

71 *Eighth*—To sell and convey, whenever in their judgment the interest of
 72 the State will be promoted thereby, any canal lands or lots now owned by the
 73 State, and any riparian rights in and along the Des Plaines river: *Provided*,
 74 they shall not sell any lands or any portion of the ninety foot strip along the
 75 canal which are now utilized in connection with the use of the water power
 76 upon the said canal, or which will prevent or interfere with the proper use
 77 and operation of the said canal as a waterway. But before making any such
 78 sale, they shall obtain the approval of the Governor thereto, and to the time,
 79 place and manner of making the same: *Provided*, that before any such sale shall
 80 be made, thirty days' previous notice thereof shall be given in some newspaper
 81 published in the county where such land, lots or riparian rights are situated.
 82 And said land, lots or riparian rights shall be sold at public auction to the
 83 highest and best bidder: *Provided*, that any or all such bids may be rejected
 84 if, in the judgment of the canal commissioners, the interests of the State seem
 85 to require it.

86 *Ninth*—To execute in due form and deliver any conveyance that may be
 87 necessary to comply with the conditions of any bond, contract or agreement
 88 heretofore made by those lawfully authorized to sell any of the real estate
 89 known as canal lands, where the purchaser shall have complied with the condi-
 90 tions of such bond, contract or agreement, and the commissioners are satisfied
 91 that he is justly entitled to such conveyance.

92 *Tenth*—To fill in, or authorize to be filled in, any abandoned or unused
93 feeder of the Illinois and Michigan canal, where the same crosses or intersects
94 any public street, alley or highway in any city, village, town or other munici-
95 pality in this State for the full width, or part thereof, of such public street,
96 alley or highway.

- 1 Introduced by Mr. Dudgeon, April 1, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act authorizing and directing the establishment of a department of mining engineering in the College of Engineering, at the University of Illinois, and providing for the support of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the trustees of the University of Illinois be
3 authorized and directed to establish, in the College of Engineering, at the uni-
4 versity, a department of mining engineering.

Sec. 2. That the said department of mining engineering shall offer such
2 courses of instruction relating to the science and practice of mining as will
3 best serve to train young men for efficient work in the various phases of the
4 mining industry.

Sec. 3. That in addition to its work of instruction, the said department
2 of mining engineering shall, so far as practicable, concern itself with the de-

3 velopment and dissemination of such scientific facts as are likely to be of ser-
4 vice in improving the practice of mining, with reference to efficiency in opera-
5 tion, to the security of life in the mines, and to the conservation of the fuel
6 and other mineral resources of the State.

Sec. 4. That there be and hereby is appropriated to the University of
2 Illinois, to meet the cost of establishing and maintaining the said department
3 of mining engineering, the sum of fifteen thousand (\$15,000) dollars per annum.

AMENDMENT TO

46th Assem.

HOUSE—No. 537

May 1909

AMENDMENT NO. 1.

Amend by striking out the words and figures “\$15,000.00” and inserting in lieu thereof the words and figures “\$7,500.00” in line 3, section 4.

- 1 Introduced by Mr. Burgett, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization.

A BILL

For an Act to repeal an Act entitled, "An Act to provide for the payment of boun-
ties for killing crows."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled, "An Act to provide for the
3 payment of bounties for killing crows," in force July 1, 1907, be and the same
4 is hereby repealed.

- 1 Introduced by Mr. Curran, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to authorize recorders of deeds to keep abstract books, to make abstracts of title and fixing the fees and compensation therefor, and to repeal an Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in all counties in which the recorder of deeds has heretofore been, or shall hereafter be required by the county board to keep abstract books showing, by tract, every conveyance or encumbrance recorded, the date of the instrument, the time of filing the same, the book and page where the same is recorded, and showing a true chain of title to each tract and the encumbrance thereon, as shown by the records of his office, such recorder shall and he is hereby authorized to keep judgments, dockets and indexes thereto, showing all judicial proceedings affecting title to real estate in such county, tax

10 sale books with indexes thereto, showing sales or forfeitures of all lands in
11 the county for unpaid taxes and assessments, and such other books as are
12 usual or necessary to be kept for the purpose of making complete abstracts
13 of title to real estate; and the county board shall furnish such recorder with
14 the necessary rooms, books, stationery, fuel and lights for the purpose therein
15 set forth: *Provided*, that nothing in this Act shall be construed to empower
16 the recorder to prevent the public from examining and taking memoranda
17 from all records and instruments filed for record, indexes and other books in
18 his official custody, but it shall be his duty at all times, when his office is, or
19 is required by law, to be open, to allow all persons without fee or reward to
20 examine and take memoranda from the same.

Sec. 2. Every recorder of deeds, keeping such books, is hereby authorized
2 and it shall be his duty to make and certify under the seal of his office, for all
3 persons desiring the same, abstracts of title to real estate in his county, and
4 to charge therefor, in counties of the third class, not to exceed the following
5 fees: For each certificate, certifying to the condition of the title as shown by
6 such abstract judgment and tax books, the sum of three dollars (\$3.00); said
7 sum of three dollars (\$3.00) to include the showing of one instrument of con-
8 veyance, incumbrance or release thereof, judgment or tax sale. For each ad-
9 ditional instrument of conveyance, incumbrance or release thereof, the sum of
10 one dollar (\$1.00). For each additional judgment or tax sale, the sum of
11 seventy-five (75) cents. For chancery and probate court proceedings neces-
12 sary to be shown, one dollar and fifty cents (\$1.50) per page. Which fees shall
13 be accounted for by such recorder in like manner with fees received by him
14 from recording. Every such recorder is also hereby authorized to make and
15 certify, under the seal of his office, copies (either printed or written) of ab-
16 stracts of title or examinations of title made by other abstractors, firms or
17 corporations, and copies of any such abstracts or examinations of title (or

18 copies thereof) as may have been filed for record in his office, and to charge
19 therefor in counties of the third class, not to exceed the sum of fifty (50) cents
20 per page. And every such recorder shall for his services in keeping such
21 books and making such abstracts of title in counties of the third class, receive
22 a salary of one thousand dollars per annum, which compensation shall be in
23 addition to the salary allowed him for his duties as recorder; in all other
24 counties, except counties of this third class, he shall receive such salary and
25 be authorized to charge such fees as may be fixed by the county board.

Sec. 3. Every such recorder shall, before making and certifying such ab-
2 stracts of title, give a bond with sufficient security to be approved by the
3 county board, payable to the county of which he is such recorder, in the penal
4 sum of ten thousand dollars, conditioned to secure the accuracy and correctness
5 of any and all such abstracts of title, and to indemnify the county for all actual
6 losses or damages which the county may be required to pay by reason of any
7 errors, mistakes or omissions in any such abstracts of title, to any and all
8 persons. And such county shall reimburse any and all persons purchasing any
9 such abstracts of title from such recorder, and all purchases and incumbrances
10 of the real estate therein described, for any and all losses and damages sus-
11 tained by any such persons on account of errors, mistakes or omissions of
12 such recorder in making such abstracts or copies of abstracts.

Sec. 4. All fees collected by recorders in counties of the third class from
2 abstract department, under the provisions of this Act, shall be paid by such re-
3 corder, to the county treasurer of his county, for the purpose of creating an
4 indemnity fund, until such fund shall reach the sum of five hundred thousand
5 (\$500,000) dollars, when payments to the said fund shall thereafter be made
6 at the rate of ten per cent of all such fees collected until the sum of one mil-
7 lion (\$1,000,000) dollars shall be and remain in said fund; and whenever at

8 any time such fund shall fall below the said last mentioned sum, the payments
9 of ten per cent as above provided shall continue to be made until such fund
10 shall be increased to the sum of one million (\$1,000,000) dollars. It shall be
11 the duty of the treasurer to invest all of said funds, principal and income, in
12 his hands from time to time, if not immediately required for payment of in-
13 demnities, and report annually to the county board the condition and income
14 thereof. All investments of the fund or any part thereof, shall be made with
15 the approval of said county board. The said fund shall be invested only in the
16 bonds or securities of the United States or of this State, or counties or other
17 municipalities of this State. Said fund shall be held to satisfy judgments ob-
18 tained or claims allowed against the county for losses or damages as aforesaid.
19 Such claims for damages may be presented to any such county boards, and
20 such county boards are hereby authorized and empowered to allow or reject
21 the same in accordance with such practice as may be by them adopted, and to
22 provide for the payment of such claims as may be allowed. The rejection of
23 any claim so presented shall be no bar to the bringing of suit for the same in
24 any court of competent jurisdiction. No claims for such losses or damages shall
25 be allowed and paid by any such county board, unless upon the recommendation
26 of the recorder, who shall be in office at the time said claims shall be allowed.
27 Upon the rendition of a judgment by a court of competent jurisdiction upon
28 such claim, or upon the allowing of such claims by the county board, payment
29 thereof shall only be made upon the order of such county board. Until the
30 indemnity fund, provided as aforesaid, shall have been exhausted, payment for
31 any such losses or damages shall be made out of such fund. In all counties,
32 except counties of the third class, the county boards are hereby authorized to
33 make all necessary provision in their discretion for the creation, care and in-
34 vestment of an indemnity fund and for the allowance and payment of claims
35 out of the same.

Sec. 5. The words "recorder" and "recorder of deeds," wherever used
2 in this Act, shall be construed to include and apply to clerks of the circuit
3 court in those counties where such clerks of the circuit court are performing
4 the duties of recorders of deeds.

Sec 6. An Act entitled, "An Act to authorize recorders of deeds, in
2 counties where recorders of deeds are elected, to keep abstract books, to make
3 abstracts of title and fixing the fees and compensation therefor and to repeal
4 an Act therein named," approved May 14, 1903, and in force July 1, 1903, is
5 hereby repealed.

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- 1 Introduced by Mr. Espy, April 2, 1909.
 - 2 Read by title, ordered printed and to lie on the Speaker's Table.

A BILL

For an Act relating to the taxing of telegraph, telephone and electric light and power companies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That all telegraph, telephone and electric light or
3 electric power poles or shafts in this State, whether on the right of way of any
4 corporation, of any public street or thoroughfare, or on any private or public
5 property owned or leased by any corporation or individual, shall pay as an an-
6 nual tax on every such telegraph, telephone, electric light or electric power pole
7 or shaft, the sum of one dollar on each of every such pole outside the corporate
8 limits of any city, village or corporate town in the State of Illinois, and shall
9 pay the sum of two dollars on each of every such pole or shaft within the cor-
10 porate limits of any city, village or corporate town in the State of Illinois.

Sec. 2. That whenever ten per cent of the householders of any street,
2 avenue or other thoroughfare shall file a petition in writing for the removal of
3 any telegraph, telephone or electric light or electric power pole or shaft, it shall
4 be the duty of the officers of any such city, village or corporate town to cause
5 said poles or shaft to be removed in the same manner as any other public nuis-
6 ance may be removed or abated.

Sec. 3. All Acts or parts of Acts in conflict herewith, are hereby repealed.

2 Introduced by Mr. Galligan, April 2, 1909.

2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to regulate sleeping car companies, and to provide penalties for violations
of such regulations.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That for transportation, and sleeper berths accom-
3 modation in all cars provided by any railroad company, partnership, firm, or
4 individual, for that purpose, running or operating trains or coaches for the
5 conveyance of passengers, with sleeping car accommodations, the charge for
6 such sleeping car accommodations shall be not to exceed one dollar and fifty
7 cents (\$1.50) for twelve hours ride or less, for each lower berth, and not to ex-
8 ceed one dollar (\$1.00) for twelve hours' ride or less, for each upper berth.
9 and any company, corporation, partnership, firm, or individual so engaged in
10 carrying passengers in cars furnished with such accommodations and furnish-
11 ing such berths, who shall charge in excess of said rates, shall be guilty of a

12 misdemeanor, and for each violation of this Act shall be liable to indictment
13 and fine of not less than \$100.00 and not more than \$500.00 for each offense.

Sec. 2. It is hereby made the duty of all sleeping car companies to have
2 in each of its cars, a suitable and safe place for the deposit, upon a receipt
3 from the person in charge of said car, of money, jewelry and other valuable
4 articles belonging to its passengers.

Said companies shall have until January 1, 1910, to prepare and provide
2 their cars with said safe repositories.

Sec. 4. Any such company violating the provisions of this Act shall be
2 liable to any of its passengers for the full value of any such property lost in
3 any of its cars and in addition shall be subject to a fine of not less than one
4 hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for
5 each violation of this Act.

- 1 Introduced by Mr. Lyon, by request, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to provide for crediting back to life insurance companies organized under the laws of the state of New York certain amounts collected from them under the retaliatory provisions of the laws of this State.

WHEREAS, By an Act of the legislature of the state of New York entitled

- 2 "An Act to amend the tax laws in relation to franchise taxes of insurance cor-
- 3 porations," which was passed March 16, 1901, and took effect October 1, 1901,
- 4 foreign life insurance companies doing business in the state of New York were
- 5 required to pay annually into the treasury of the said state of New York, on
- 6 or before the first day of June in each year, for the privilege of exercising cor-
- 7 porate franchises or for carrying on business in their corporate or organized ca-
- 8 pacity within the said state of New York, a state tax equal to 1 per centum on
- 9 the gross amount of premiums received by such companies during the preced-
- 10 ing calendar year for business done by such companies in the said state of New
- 11 York; and,

12 WHEREAS, The comptroller of the said state of New York construed the
13 said statute to mean that the tax therein specified was to be levied on all pre-
14 miums received by the said foreign life insurance companies during the calen-
15 dar year, irrespective of the time when the policies on which such premiums
16 were collected were issued; and,

17 WHEREAS, The said comptroller of New York, acting upon that construc-
18 tion, collected the said tax from foreign life insurance companies doing business
19 in the said state of New York on business done by such companies in the said
20 state of New York prior to January 1, 1902; and,

21 WHEREAS, The Insurance Superintendent of Illinois adopted the construc-
22 tion given to the said Act by the said comptroller of New York, as aforesaid,
23 and under the retaliatory law of this State levied and collected in the years
24 1902, 1903 and 1904 from life insurance companies organized under the laws
25 of the state of New York and doing business in this State, a tax of 1 per cent
26 on premiums received by such companies on business done by them in this State
27 prior to as well as after January 1, 1902; and,

28 WHEREAS, In the year 1904, the highest court of the state of New York
29 construed the said New York Act to levy a tax only on premiums paid on poli-
30 cies issued on or after January 1, 1902, and not on premiums paid on policies
31 issued prior to that date; and,

32 WHEREAS, Since such construction was given to the said New York Act by
33 the courts of New York, the comptroller of New York has been refunding or
34 crediting back to the companies from whom the same was received, so much
35 of the tax paid under the said Act as was paid on premiums on policies issued
36 prior to January 1, 1902, together with interest thereon at the rate of 6 per
37 cent per annum from the date of payment to the date of refund or credit;
38 therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Insurance Superintendent shall, upon
3 written request made to him by any life insurance company incorporated
4 under the laws of the state of New York and doing business in this State and
5 upon presentation of proper evidence to him, determine the amount collected
6 from such company by the said Insurance Superintendent during the years
7 1902, 1903 and 1904 for taxes upon premiums received upon policies of life in-
8 surance on the lives of citizens of Illinois issued prior to January 1, 1902,
9 charged against such company under the retaliatory provisions of the life in-
10 surance law of this State and the Act of the legislature of the state of New
11 York entitled, "An Act to amend the tax laws in relation to franchise taxes
12 of insurance corporations," passed March 16, 1901, in force October 1, 1901, and
13 construed October 18, 1904, by the court of appeals of the state of New York
14 to be a tax upon premiums received upon policies written only on or after
15 January 1, 1902.

Sec. 2. Upon ascertaining the amount collected as aforesaid, the Insur-
2 ance Superintendent shall issue his certificate in duplicate stating the amount
3 of such tax so paid by such company. One copy thereof shall be furnished the
4 company and one copy filed in the Insurance Department.

Sec. 3. The amount so certified shall be credited by the Insurance Super-
2 intendent upon the taxes which shall hereafter become chargeable under the law
3 against such company, in the following manner: One-fourth shall be credited
4 each year during four successive years. The first one-fourth shall be credited
5 upon the first annual tax which shall become due and payable after this Act
6 goes into effect, and one-third of the remaining three-fourths shall be credited
7 each year upon each annual tax which shall become due and payable during
8 the next succeeding three years thereafter.

1 Introduced by Mr. McConnell, April 2, 1909.

2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act to regulate the business of express companies, and to prohibit them from engaging in the business of selling express money orders or bills of exchange.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no person, company, co-partnership or cor-
3 poration, or ganized for the purpose of conducting an express business and
4 carrying on such business within the State of Illinois, shall sell or offer for
5 sale at any office or agency, express money orders or bills of exchange.

Sec. 2. Any such person, company, co-partnership or corporation violat-
2 ing the provisions of this Act, upon conviction thereof before any court of
3 competent jurisdiction, shall be fined in the sum of not less than \$100 nor more
4 than \$500 for each offense.

Sec. 3. To enforce the provisions of this Act, all suits brought under the
2 same shall be brought in the name of the People of the State of Illinois, and
3 shall be brought on complaint of any person or persons showing, by affidavit,
4 that any of the provisions of this Act has been violated.

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- 1 Introduced by Mr. Nelson, April 2, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to require all grain, flour, meal, hay, feed, seeds, fruits, nuts, vegetables and non-liquid vegetable products, meats and non-liquid animal products, fish butter, cheese and other similar dairy products, dry groceries and all other similar articles of merchandise, or any particular class or classes of such merchandise, in the absence of a contract or agreement in writing to the contrary, to be sold by standard avoirdupoise weight or by numerical count.

- 1 Introduced by Mr. Nelson, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to revise the law in relation to weights and measures, and to repeal a certain Act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the weights and measures received from the
3 United States, and now in charge of the Secretary of State, to-wit: One yard
4 measure; one standard half bushel, containing one thousand and seventy-five
5 and twenty-one hundredths standard cubic inches; one standard wine gallon,
6 containing two hundred and thirty-one standard cubic inches; one wine quart,
7 one wine pint, one wine half pint, one set of avoirdupois weights; consisting
8 of fifty, twenty-five, twenty, ten, five, four, three, two and one pounds, and from
9 eight ounces down to one drachm; one set of troy weights, from five thousand
10 pennyweights down to half a grain, and from one pound down to the ten-thou
11 sandth part of an ounce, together with the three sets of balances, received

12 from the United States, shall be and remain, and be used as the sole author-
13 ized public standard of weights and measures in this State.

Sec. 2. Such weights, measures and balances as may be procured from
2 time to time to replace those before mentioned shall be preserved in the same
3 form and of the same dimensions; the denominations of the weights and meas-
4 ures being marked thereon, respectively; and they shall be sealed with the seal
5 which is kept for that purpose by the State sealer.

Sec. 3. The unit or standard of length and surface, from which all the
2 other measures of extension, whether lineal, superficial or solid, shall be de-
3 rived and ascertained, is the standard yard designated in this Act, which is
4 divided into three equal parts called feet, and each foot into twelve equal
5 parts called inches. For measures of cloth and other commodities commonly
6 sold by the yard, it may be divided into halves, quarters, eighths and six-
7 teenths. The rod, pole or perch contains five and one-half yards; the mile,
8 one thousand seven hundred and sixty yards. The chain for measuring land
9 is twenty-two yards long and is divided into one hundred equal parts called
10 links. The acre, for land measure, shall be measured horizontally and contains
11 ten square chains, equivalent in area to a rectangle sixteen rods in length and
12 ten in breadth, six hundred and forty acres being contained in a square mile.

Sec. 4. The units or standards of weight from which all the other weights
2 shall be derived and ascertained, shall be the standard of avoirdupois and troy
3 weights designated in this Act. The avoirdupois pound bears to the troy
4 pound the ratio of seven thousand to five thousand seven hundred and sixty,
5 and is divided into sixteen equal parts called ounces. The hundred-weight con-
6 sists of the hundred avoirdupois pounds, and twenty hundred weight are a ton.
7 The troy ounce is equal to the twelfth part of a troy pound.

Sec. 5. The units of standards of measures of capacity for liquids from which all other measures shall be derived and ascertained shall be the standard gallon and its parts designated in this Act. The barrel is equal to thirty-one and one-half gallons and two barrels shall constitute a hogshead. All other measures of capacity for liquids shall be derived from the liquid gallon by continual division by the number two, so as to make half gallons, quarts, pints, half pints and gills. The unit or standard measure of capacity for substances not liquids, and hereby designated as standard dry measure, from which all measures of such substance shall be derived and ascertained, is the standard half bushel mentioned in this Act. The peck, half peck, quarter peck, quart and pint measure, for measuring commodities which are not liquids, shall be derived from the half bushel by successively dividing that measure by two. The bushel shall consist of two standard half bushels and shall contain twenty-one hundred and fifty-four standard cubic inches.

Sec. 6. All commodities sold by heaped measure shall be duly heaped up in the form of a cone, the outside of the measure by which the same shall be measured to be the limit of the base of such cone; one such cone to be as high as the article to be measured will admit.

Sec. 7. The measures used for measuring dry commodities, not heaped, shall be stricken with a straight stick or roller.

Sec. 8. Contracts hereafter to be executed, made within this State, for any work to be done, or for anything to be sold, delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to standard weight and measure ascertained as hereinbefore provided, unless there is an express provision to the contrary.

Sec. 9. Whenever any of the following articles shall be contracted for, or sold, or delivered, and when no special contract or agreement shall be made

3 to the contrary, the weight per bushel or barrel, or divisible merchandise quan-
 4 tities of a bushel or a barrel, shall be as follows:

5	Wheat flour, per barrel.....	196 pounds
6	Wheat flour, per half barrel.....	98 "
7	Wheat flour, per quarter barrel sack.....	49 "
8	Wheat flour, per eighth barrel sack....	24½ "
9	Corn meal, per bushel sack.....	48 "
10	Coal, per bushel.....	80 "
11	Apples (green), per bushel.....	50 "
12	Apples (dried), per bushel.....	24 "
13	Barley, per bushel.....	48 "
14	Barley (malt), per bushel.....	34 "
15	Beans (green or string), per bushel.....	24 "
16	Beans (white), per bushel.....	60 "
17	Beans (wax), per bushel.....	24 "
18	Beans (castor), per bushel.....	46 "
19	Beets, per bushel.....	60 "
20	Blue grass seed, per bushel.....	14 "
21	Bran, per bushel.....	20 "
22	Buckwheat, per bushel.....	52 "
23	Carrots, per bushel.....	55 "
24	Charcoal, per bushel.....	22 "
25	Clover seed, per bushel.....	60 "
26	Coke, per bushel.....	40 "
27	Corn (shelled), per bushel.....	56 "
28	Corn in the ear, per bushel.....	70 "
29	Cranberries, per bushel.....	33 "
30	Flax seed, per bushel.....	56 "

31	Hair (plastering, unwashed), per bushel	8 pounds
32	Hair (plastering, washed), per bushel.....	4 “
33	Hemp seed, per bushel.....	44 “
34	Lime (unslacked), per bushel.....	30 “
35	Millet seed, per bushel.....	50 “
36	Oats, per bushel.....	32 “
37	Onions, per bushel.....	57 “
38	Parsnips, per bushel.....	55 “
39	Peaches (dried), per bushel.....	33 “
40	Peas (dried), per bushel.....	60 “
41	Potatoes (Irish), per bushel.....	60 “
42	Potatoes (sweet), per bushel.....	55 “
43	Red top seed, per bushel.....	14 “
44	Rye, per bushel.....	56 “
45	Rye (malt), per bushel.....	35 “
46	Salt (fine), per bushel.....	50 “
47	Salt (coarse), per bushel.....	55 “
48	Spinach, per bushel.....	12 “
49	Timothy seed, per bushel.....	45 “
50	Turnips, per bushel.....	55 “
51	Wheat, per bushel.....	60 “

Sec. 10. Whoever, in buying any of the articles of property mentioned in
2 the preceding section, shall take any greater number of pounds thereof to the
3 bushel, or barrel, or divisible merchantable quantity of a bushel or barrel, or
4 in selling any of said articles, shall give any less number of pounds thereof to
5 the bushel or barrel, or divisible merchantable quantity of a bushel or barrel,
6 than is allowed by said section, with intent to gain an advantage thereby, ex-
7 cept expressly authorized so to do by special contract or agreement to that

8 effect, shall be liable to the party injured in double the amount of the prop-
 9 erty so wrongfully taken or not given and ten dollars (\$10.00) in addition
 10 thereto, to be recovered in any form of action, in any court of competent
 11 jurisdiction.

Sec. 11. All fruits, vegetables, nuts, dry groceries and other similar arti-
 2 cles of merchandise, when sold by measure, shall, in the absence of a special
 3 contract or agreement to the contrary, be sold by standard dry measure. Any
 4 one violating the provisions of this section shall forfeit not less than five dol-
 5 lars (\$5.00) nor more than twenty-five dollars (\$25.00) for each offense.

Sec. 12. The Secretary of State shall be *ex officio* State sealer of weights
 2 and measures, and shall have the care and custody of the authorized public
 3 standards of weights and measures. He shall try and prove, by such stand-
 4 ards, all weights and measures, scales and beams which may belong to any
 5 county, city or other municipal corporation, and which may be sent or brought
 6 to him for that purpose by the county sealer, or by the sealer or inspector of
 7 weights and measures of any city or other municipal corporation, and shall
 8 seal such weights and measures, scales and beams, when found to be accurate,
 9 by stamping on them the letters "ILL." with a seal which he shall have and
 10 keep for that purpose. He shall also execute and deliver to such sealer or in-
 11 spector of weights and measures a certificate stating that such weights, meas-
 12 ure, scales and beams are accurate.

Sec. 13. The county clerk of each county shall be the sealer of weights
 2 and measures for the county and shall have the care and custody of the county
 3 standards. He shall procure, at the expense of the county, when authorized
 4 by the county board, and not already provided, a full set of standard weights
 5 and measures, scales and beams, which he shall cause to be tried, proved and
 6 sealed by the State standards by the Secretary of State, as hereinbefore pro-
 7 vided.

Sec. 14. The several county sealers shall try and prove all weights and
 2 measures, scales and beams within their respective counties, when requested so
 3 to do; and when the same are found or made to conform to the legal stand-
 4 ards, they shall seal and mark such weights and measures, with a seal to be
 5 kept by them for that purpose.

Sec. 15. The Secretary of State and each county sealer shall be entitled
 2 to receive for his services, at and after the following rates: For sealing and
 3 marking every beam, ten cents; for sealing and marking measures of exten-
 4 sion, at the rate of ten cents per yard, not to exceed fifty cents for any one
 5 measure; for sealing and marking every weight, two cents; for sealing and
 6 marking liquids and dry measures, if the same be of the capacity of a gallon
 7 or more, ten cents; or, if less than a gallon, five cents. They shall also be
 8 entitled to a reasonable compensation for making such weights and measures
 9 conform to the standard establishment by this Act.

Sec. 16. Every county clerk who neglects to have the standards under his
 2 charge compared and sealed, as required by this Act, or neglects to keep the
 3 same in good order and repair, or who suffers any of them, through his neg-
 4 lect, to be lost, damaged or destroyed, shall forfeit to the county not less than
 5 \$30.00 nor more than \$200.00, to be recovered before any justice of the peace
 6 or other court of competent jurisdiction in the county.

Sec. 17. The State sealer, or the sealer or inspector of weights and
 2 measures of any county, city or other municipal corporation in this State,
 3 shall have the power and authority to seize and hold for use as evidence in
 4 suit brought under the statutes of this State or under any ordinances or by-
 5 laws of a municipal corporation of this State, any short measure, or faulty or
 6 incorrect weight, scale or other instrument used for weighing, or any com-
 7 modity or article of merchandise sold, offered or exposed for sale which is

8 of less weight or measure than it is represented to be by the vendor, his agent
9 or employes. Such short measure, faulty or incorrect weight, scale or other in-
10 strument used for weighing, or such commodity or article of merchandise (ex-
11 cept perishable commodities or articles which shall have become of no value)
12 shall be released and returned to the owner thereof, if no suit against such
13 owner is commenced within ten days from the date of such seizure. Any such
14 sealer or inspector of weights and measures who shall make any such seizure,
15 shall not be liable to the owner of the property seized for damages caused by
16 such seizure in any case where, in fact, any such seizure is short, or reasonable
17 grounds exist for believing it so to be; or any weight, scale or other instru-
18 ment used for weighing is faulty or incorrect, or reasonable grounds exist
19 for believing it so to be; or any commodity or article of merchandise is of
20 less weight or measure than it is represented, or reasonable grounds exist for
21 believing it so to be.

Sec. 18. Any person who shall sell any commodity or article of merchan-
2 dise by any of the standard weights or measures hereinbefore established
3 or any multiple of fraction thereof, and who shall use in such sale any weights,
4 measures, scales, beams, balances or instrument for weighing, other than such
5 as conform to said standards, shall forfeit a sum not exceeding two hundred
6 dollars for each offense; and when by the custom of trade weights and meas-
7 ures are provided by the buyer, if any person shall purchase by any weighhts,
8 measures, scales, beams, balances or instrument for weighing, other than the
9 established standards, he shall be subject to a like penalty.

Sec. 19. An Act to revise the law in relation to weights and measures,
2 approved February 27, 1874, and in force July 1, 1874, is hereby repealed.

- 1 Introduced by Mr. Nelson, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all Acts contrary to or inconsistent with said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the short title of this Act shall be "The Pack-
3 age, Container and Parcel Act."

Sec. 2. No person, firm or corporation shall sell, offer or expose for sale,
2 by the box, basket, carton, can, bag, sack, bottle, keg, barrel or other similar
3 package or container, or by the bundle, bale or other similar parcel, any com-
4 modity or article of merchandise of any kind whatsoever unless each package.

5 container or parcel shall have marked thereon in the English language, in a
6 plain and legible manner, and in a conspicuous place, the net weight, the net
7 measure, or the number of individual articles of such commodity or merchan-
8 dise in such package, container or parcel. When two or more individual and
9 distinct packages, containers or parcels are packed or contained in a larger
10 package, container or parcel, each of the individual packages, containers or
11 parcels, as well as the larger package, container or parcel, shall be marked, as
12 hereinbefore provided.

Sec. 3. Any person, firm or corporation who shall sell, offer or expose for
2 sale, by the box, basket, carton, can, bag, sack, bottle, keg, barrel or other
3 similar package or container, or by the bundle, bale or other similar parcel,
4 any commodity or article of merchandise of any kind whatsoever without hav-
5 ing marked in the English language on each such package, container or parcel
6 in a plain and legible manner and in a conspicuous place, as required by this
7 Act, the net weight, the net measure or the number of the individual articles
8 of the commodity or merchandise contained therein, or any person, firm or
9 corporation who sells, offers or exposes for sale any commodity or article of
10 merchandise by the box, basket, carton, can, bag, sack, bottle, keg, barrel or
11 other similar package or container, or by the bundle, bale or other similar par-
12 cel, which does not contain as much as the net weight, the net measure or the
13 number of individual articles marked thereon, shall be punished by a fine of
14 not less than twenty-five dollars (\$25.00) nor more than one hundred dollars
15 (\$100.00), or by imprisonment in the county jail for a term not exceeding
16 thirty days, or by both such fine and imprisonment, in the discretion of the
17 court. The selling, offering or exposing for sale of each such package, con-
18 tainer or parcel contrary to the provisions of this Act shall be considered as
19 a distinct and separate offense.

Sec. 4. It shall be a defense to any prosecution under this Act for selling, offering or exposing for sale, any such package, container or parcel which does not contain as much of the commodity or merchandise contained therein as the net weight or the net measure marked thereon, if the accused shall show that the commodity or article of merchandise in such package, container or parcel is one subject to shrinkage and that the net weight or net measure of the contents thereof is not less than ninety-five per centum of the amount marked thereon.

It shall also be a defense to any prosecution under this Act for selling, offering or exposing for sale any such package, container or parcel which does not contain as much of the commodity or merchandise contained therein as the net weight, the net measure or the number of individual articles marked thereon, if the accused shall show that he purchased such package, container or parcel in this State from a wholesaler, jobber, manufacturer or other party residing or doing business in this State, that such package, container or parcel was sealed at the time of its receipt by him, that he has not opened or otherwise tampered with such package, container or parcel or broken the seal thereon or caused, allowed or suffered the same to be done and that he has received from such wholesaler, jobber, manufacturer or other party from whom he purchased the commodity or article of merchandise in such package, container or parcel, a guarantee in writing, signed by such wholesaler, jobber, manufacturer or other party stating that the commodity or article of merchandise which was delivered to the accused in such package, container or parcel was so delivered in packages, containers or parcels which were duly marked within the meaning of this Act, designating it, and which contained as much as the net weight, the net measure or the number of individual articles marked thereon. In order that said guarantee may avail as a defense, it must contain the name and address of the wholesaler, jobber, manufacturer or other party residing or doing business in

29 this State and making the sale of such merchandise or article to the accused;
30 and in every case the party making the guarantee (in case the party making
31 the guarantee resides outside of this State but does business in this State) his
32 principal agent or representative in this State, shall be amenable to prosecu-
33 tion and to the penalty provided by this Act. No such guarantee shall operate
34 as a defense to prosecutions for violations of this Act if the accused shall con-
35 tinue to sell, offer or expose for sale similar packages, containers or parcels of
36 such commodity or article of merchandise after notice given to him by any State,
37 county or municipal officer, any purchaser, or prospective purchaser, or any
38 interested party, to the effect that such packages, containers or parcels do not
39 contain as much as the net weight, the net measure or the number of individual
40 articles marked thereon.

Sec. 5. This Act shall take effect and be in force from and after the first
2 day of January, A. D. 1910.

Sec. 6. All Acts and parts of Acts contrary to, or inconsistent with, this
2 Act are hereby repealed.

- 1 Introduced by Mr. Nelson, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act requiring commodities and merchandise sold, offered or exposed for sale, by the package, container or parcel to have marked on such package, container or parcel the net weight, the net measure or the number of the articles contained therein, fixing a penalty for violation of the same, providing certain defenses to prosecutions for violations thereof and repealing all Acts contrary to or inconsistent with said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the short title of this Act shall be "The Package, Container and Parcel Act."

Sec. 2. No person, firm or corporation shall sell, offer or expose for sale, by the box, basket, carton, can, bag, sack, bottle, keg, barrel or other similar package or container, or by the bundle, bale or other similar parcel, any commodity or article of merchandise of any kind whatsoever unless each package,

5 container or parcel shall have marked thereon in the English language, in a
6 plain and legible manner, and in a conspicuous place, the net weight, the net
7 measure, or the number of individual articles of such commodity or merchan-
8 dise in such package, container or parcel. When two or more individual and
9 distinct packages, containers or parcels are packed or contained in a larger
10 package, container or parcel, each of the individual packages, containers or
11 parcels, as well as the larger package, container or parcel, shall be marked, as
12 hereinbefore provided.

Sec. 3. Any person, firm or corporation who shall sell, offer or expose for
2 sale, by the box, basket, carton, can, bag, sack, bottle, keg, barrel or other
3 similar package or container, or by the bundle, bale or other similar parcel,
4 any commodity or article of merchandise of any kind whatsoever without hav-
5 ing marked in the English language on each such package, container or parcel
6 in a plain and legible manner and in a conspicuous place, as required by this
7 Act, the net weight, the net measure or the number of the individual articles
8 of the commodity or merchandise contained therein, or any person, firm or
9 corporation who sells, offers or exposes for sale any commodity or article of
10 merchandise by the box, basket, carton, can, bag, sack, bottle, keg, barrel or
11 other similar package or container, or by the bundle, bale or other similar par-
12 cel, which does not contain as much as the net weight, the net measure or the
13 number of individual articles marked thereon, shall be punished by a fine of
14 not less than twenty-five dollars (\$25.00) nor more than one hundred dollars
15 (\$100.00), or by imprisonment in the county jail for a term not exceeding
16 thirty days, or by both such fine and imprisonment, in the discretion of the
17 court. The selling, offering or exposing for sale of each such package, con-
18 tainer or parcel contrary to the provisions of this Act shall be considered as
19 a distinct and separate offense.

Sec. 4. It shall be a defense to any prosecution under this Act for selling, offering or exposing for sale, any such package, container or parcel which does not contain as much of the commodity or merchandise contained therein as the net weight or the net measure marked thereon, if the accused shall show that the commodity or article of merchandise in such package, container or parcel is one subject to shrinkage and that the net weight or net measure of the contents thereof is not less than ninety-five per centum of the amount marked thereon.

It shall also be a defense to any prosecution under this Act for selling, offering or exposing for sale any such package, container or parcel which does not contain as much of the commodity or merchandise contained therein as the net weight, the net measure or the number of individual articles marked thereon, if the accused shall show that he purchased such package, container or parcel in this State from a wholesaler, jobber, manufacturer or other party residing or doing business in this State, that such package, container or parcel was sealed at the time of its receipt by him, that he has not opened or otherwise tampered with such package, container or parcel or broken the seal thereon or caused, allowed or suffered the same to be done and that he has received from such wholesaler, jobber, manufacturer or other party from whom he purchased the commodity or article of merchandise in such package, container or parcel, a guarantee in writing, signed by such wholesaler, jobber, manufacturer or other party stating that the commodity or article of merchandise which was delivered to the accused in such package, container or parcel was so delivered in packages, containers or parcels which were duly marked within the meaning of this Act, designating it, and which contained as much as the net weight, the net measure or the number of individual articles marked thereon. In order that said guarantee may avail as a defense, it must contain the name and address of the wholesaler, jobber, manufacturer or other party residing or doing business in

29 this State and making the sale of such merchandise or article to the accused;
30 and in every case the party making the guarantee (in case the party making
31 the guarantee resides outside of this State but does business in this State) his
32 principal agent or representative in this State, shall be amenable to prosecu-
33 tion and to the penalty provided by this Act. No such guarantee shall operate
34 as a defense to prosecutions for violations of this Act if the accused shall con-
35 tinue to sell, offer or expose for sale similar packages, containers or parcels of
36 such commodity or article of merchandise after notice given to him by any State,
37 county or municipal officer, any purchaser, or prospective purchaser, or any
38 interested party, to the effect that such packages, containers or parcels do not
39 contain as much as the net weight, the net measure or the number of individual
40 articles marked thereon.

Sec. 5. This Act shall take effect and be in force from and after the first
2 day of January, A. D. 1910.

Sec. 6. All Acts and parts of Acts contrary to, or inconsistent with, this
2 Act are hereby repealed.

1 Introduced by Mr. Sullivan, April 2, 1909.

2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to prevent accidents from the mistaken use of gasoline or other inflammable fluids.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That hereafter all kerosene offered for sale in the
3 State of Illinois shall be colored red so that the same may be by its color
4 readily distinguished from gasoline, naptha, benzine or other inflammable
5 fluids; and it shall be unlawful for any person or corporation to sell or offer
6 for sale any kerosene not so colored. Any person or corporation violating the
7 provision of this Act shall be fined not less than ten nor more than one hun-
8 dred dollars for each offense, and be liable for all actual damages occasioned
9 by such violation in favor of any person or corporation thereby injured in per-
10 son or property by reason of the violation of aforesaid.

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- 1 Introduced by Mr. Walsh, April 2, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to amend section 235 and section 236 of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, A. D. 1874, in force July 1, A. D. 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 235 of said Act which now reads as
3 follows:

4 "Whoever instigates, carries on, promotes or engages in as a witness, any
5 sparring or boxing exhibition, shall be fined not exceeding \$500, or confined in
6 the county jail not exceeding six months," be, and the same is hereby
7 amended so as to read as follows:

8 "Whoever instigates, carries on, promotes or engages in as a witness. any
9 prize fight, shall be fined not exceeding \$500, or confined in the county jail not
10 exceeding six months: *But, provided, however,* that sparring exhibitions in which
11 no decision of winner or loser shall be given, and of not to exceed 6 three-minute

12 round duration, may be given by duly established or incorporated athletic
13 clubs or societies, and in all such sparring exhibitions the contestants shall wear
14 soft padded gloves weighing not less than six ounces each, and that no person
15 shall be a contestant in any such sparring exhibition unless first found to be
16 physically perfect by a thorough medical examination to be made immediately
17 prior to such exhibitions, and that the arena used for such exhibitions shall
18 be covered with a soft pad or mat: *And, provided, further,* that no intoxicating
19 liquors shall be sold or given away in any hall or place where any such sparring
20 exhibition may be given."

21 And that section 236 of said Act, which reads as follows:

22 "Any person who shall, upon complaint made before any judge or justice of
23 the peace, appear to be about to engage in any such fight or sparring or box-
24 ing exhibition, may be compelled to enter into bond with security to keep the
25 peace as in other cases of threatened breach of the peace," be and the same
26 is hereby amended to read as follows:

27 "Any person who shall, upon complaint made before any judge or justice
28 of the peace, appear to be about to engage in any such prize fight, may be
29 compelled to enter into bond with security to keep the peace, as in other cases
30 of threatened breach of the peace."

- 1 Introduced by Mr. Flannigan, April 2, 1909.
- 2 Read by title, ordered printed and referred to Committee on Good Roads.

A BILL

For an Act to provide for the appointment of a State Engineer, the improvement of public highways, and to provide for maintaining the same, and to create State aid roads, and furnish road building material therefor, and to furnish certain crushed stone free to townships and road districts for certain purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there is hereby created the office of State Engineer, whose duties shall be as hereinafter prescribed, who shall be paid a salary of four thousand dollars per year, who shall be nominated by the Governor, and with the advice and consent of the Senate, appointed, and shall hold his office for a term of four years, and shall be subject to removal by the Governor for cause.

Sec. 2. In addition to his other duties, said State Engineer shall annually prepare for the State Highway Commission a complete detailed report

3 of all hard roads built under the provisions of this Act during the preceding
4 year, together with any useful and valuable information he may obtain from
5 other states or countries upon the art of road building and the effect of hard
6 roads upon farm life and farm property, together with such other information
7 relating thereto as he may deem appropriate. He may be consulted at rea-
8 sonable times by county, township or road district officers having care and
9 authority over highways, and he shall advise such officers relative to construc-
10 tion, repair, alteration or maintenance of same; and shall furnish such other
11 information and advice as may be requested by persons interested in the con-
12 struction and maintenance of public highways, or as directed by the State
13 Highway Commission; and he shall, at all times, lend his aid in promoting high-
14 way improvement throughout the State. He shall, under the direction of the
15 State Highway Commission, hold in each year at least one public meeting in
16 each Congressional district for the purpose of giving instruction in the build-
17 ing and maintaining of highways, and shall cause due notice of such meeting
18 to be given. He shall, under the direction of the State Highway Commission,
19 co-operate with all highway officers and shall assist county and township
20 authorities, and when requested by them, furnish them with plans and specifi-
21 cations for the improvement of the public highways.

Sec. 3. Upon receipt of a request in writing from the commissioners of
2 highways of any township or the commissioners of highways in counties not
3 under township organization, together with a certified copy of the petition there-
4 for, asking permission to construct improvements under this Act, the State
5 Engineer shall investigate and determine whether the highway or section there-
6 of to be improved is of sufficient public importance to come within the pur-
7 poses of this Act, taking into account the use, location and value of such high-
8 way, or section thereof, for the purpose of common traffic or travel, and after
9 such investigation shall certify his approval or disapproval of such request.

10 If he shall disapprove such request he shall certify his reasons therefor to such
11 board of highway commissioners.

Sec. 4. If he shall approve such request, such State Engineer shall, by
2 direction of the State Highway Commission, cause the highway or section
3 thereof, therein described, to be mapped, both in outline and profile; he shall
4 indicate how much of such highway or section thereof may be improved by de-
5 viation from the existing lines, whenever it shall be deemed to be of advantage
6 to obtain a shorter or more direct road, without lessening its usefulness, or
7 wherever such deviation from the existing lines is of advantage by reason of
8 lessened gradients. He shall also cause plans and specifications of such high-
9 way, or section thereof, to be thus improved to be made for macadam or
10 gravel roadway, or other suitable construction, taking into consideration the
11 wishes of the petitioners, climate, soil, drainage and the cost and accessibility
12 of material and the extent and nature of the traffic likely to be used upon
13 such highway, specifying in his judgment the kind of a road a wise economy
14 demands.. The improved or permanent roadway of all highways so improved
15 shall not be less than nine feet or more than eighteen feet in width, unless for
16 special reasons, to be stated by such State Engineer, it is required that it shall
17 be of greater width. He shall also, where practicable, provide for a roadway
18 upon the natural soil, on one or both sides of such macadamized roadway, as
19 he may deem wise and expedient.

Sec. 5. Upon the completion of such maps, plans and specifications, such
2 State Engineer shall cause an estimate to be made of the cost of construction
3 of the same, and transmit the same to the board of highway commissioners
4 from which such request proceeded, together with a certified copy of such
5 maps, plans and specifications.

Sec. 6. If any township or any board of commissioners of highways, in
2 counties not under township organization, shall, in accordance with the road
3 laws of this State, providing for the building and maintenance of hard roads,
4 desire to build any hard road or roads and avail itself of the provisions of
5 this Act, the commissioners of highways of said township, or board of com-
6 missioners of highways in counties not under township organization, as the case
7 may be, shall, under oath certify to the State Highway Commission that said
8 township or said road district, as the case may be, is duly authorized and
9 empowered and is prepared to pay one-half the cost of said hard road im-
10 provement, it shall thereupon become the duty of said State Highway Commis-
11 sion, within ten days thereafter, to advertise for bids for three consecutive
12 weeks in a newspaper published at the county seat of such county, and in
13 such other newspapers as shall be deemed of advantage for the construction
14 of such highway, or section thereof, according to such plans and specifications
15 as shall, with the approval of the highway commissioners of such township or
16 road district, as the case may be, award such contract to the lowest respon-
17 sible bidder; except that no contract shall be awarded at a greater sum than
18 the estimated cost provided for in section 5.

Sec. 7. Said State Highway Commission, in said advertisement calling for
2 bids, shall specify the amount of deposit required as a guarantee that the suc-
3 cessful bidder will enter contract and furnish the required bond. Said deposit
4 to be in cash or certified check, drawn upon some bank in good standing and
5 acceptable to said State Highway Commission. All deposits, except those of
6 the two lowest bidders, shall be immediately returned to said bidders, and the
7 deposits of the two lowest bidders shall be returned upon execution of the
8 contract and bond, as herein required. Said highway commission may reject
9 any or all bids, and before entering into any contract for such construction,
10 it shall require a surety company bond to be executed by some surety com-

pany having the joint approval of the State Auditor and the State Treasurer; said bond in amount to be equal to 40 per cent of the contract price, conditioned that the party thereto shall perform the work upon terms proposed, and within the time prescribed, and in accordance with the plans and specifications, and as a bond of indemnity against damages that may be suffered during the contraction of such roads by reason of the negligence of said contraction. Partial payments may be provided for in the contract, and paid in the manner herein provided, when certified by such engineer to an amount not to exceed eighty per centum of the value of the work done. Twenty per centum of the contract price shall be retained until the entire work has been completed and accepted. Said State Engineer shall appoint a capable and experienced superintendent, who shall have general charge and supervision of the work, under the directions of such State Engineer, and shall report to him from time to time the progress of the work, and such facts in relation thereto as may be required of him.

Sec. 8. One-half of the expenses of the construction of highways, built under this Act, shall be paid by the State Treasurer, upon the warrant of the State Auditor of Public Accounts, issued upon the requisition of said State Engineer, approved by the State Highway Commission, out of any specific appropriations made to carry out the provisions of this Act. If, in the joint opinion of the State Highway Commission and the highway commissioners of such township or road district, it is practicable and desirable to have the whole or any portion of such crushed stone, as may be required for said improvement, furnished by the State of Illinois, at any stone quarries owned and operated by said State, they may so direct, and the fact shall be fully stated in the advertisement calling for bids. The State of Illinois shall be credited with the sum of forty cents per net ton at the quarries for any crushed stone so furnished, and the amount shall be deducted from the State's proportion of

14 the cost of said improvement, and the same shall be paid into a fund to be
15 used to pay the State's proportion of repairs and maintenance of State aid
16 roads, as hereinafter provided, and the same shall be used for no other purpose
17 whatever. The State Highway Commission may, in its discretion, furnish to
18 any township applying therefor, the crushed stone required to build one mile
19 of road, or less, not exceeding sixteen feet wide, or more than twelve inches
20 deep, free of charge on board cars at the State quarries.

Sec. 9. The construction and improvement of highways and sections
2 thereof, under the provisions of this Act, shall be taken up and carried for-
3 ward in the order in which they are finally designated, as determined by the
4 date of the receipt in each case of the certificate, notifying said State Highway
5 Commission that said township or road district, as the case may be, has com-
6 plied with all the conditions required by law, and is ready to pay its proportion
7 of the cost of such improvement, as provided in section three hereof.

Sec. 10. Upon the completion of such highways or section thereof, con-
2 structed under this Act, and the acceptance of the same by the State Highway
3 Commission, said highway shall become State aid roads, and the State shall,
4 thereafter, from any appropriation made for that purpose, pay over to the
5 highway commissioners each year, a sum not exceeding \$25.00 per mile for
6 each and every mile or major fraction thereof, built in said township, or road
7 district, under this Act, which sum shall be expended in maintaining and re-
8 pairing such State aid highway: *Provided*, the township or road district, in
9 which such highway or highways are situated, shall provide and expend an
10 equal sum of money for the purpose of maintenance and repair of such high-
11 way or highways, and such money shall not be expended for any other purpose.

Sec. 11. The highway commissioners of any township or road districts in
2 counties not under township organization, where three or more miles of hard

3 roads shall be constructed under this Act, shall appoint a custodian whose duty
4 it shall be to carefully inspect such hard roads at least once each month, be-
5 tween April 1st and November 1st of each year, taking with him material for
6 repairs and proper tools, the same to be supplied by the highway commission-
7 ers of said township or road district, and fill up all ruts or depressions that
8 may, from time to time, appear, or remove obstructions to drainage, and keep
9 said roads in good repair. Said custodian to furnish a horse and wagon
10 suitable for the purpose and he shall be paid for his services, including said
11 horse and wagon, a sum not more than \$4.00 per day, in the discretion of said
12 highway commissioners, for such time as he shall actually be at work, upon said
13 highways: *Provided*, such custodian shall not be paid in any one month, more
14 than three days pay for every mile of roads so maintained.

Sec. 12. Stone or gravel roads, known as hard roads, heretofore built and
2 in good repair, having a width of at least nine feet and not more than
3 eighteen feet wide, and an average depth of crushed stone or gravel of five
4 inches or more, may be brought within the provisions of sections 10 and 11 of
5 this Act, in the following manner: Upon petition highway commissioners of
6 the township or road district, wherein the road is situated, asking that the
7 same be brought within the provisions of this Act, as above set forth, the State
8 Highway Commission shall have said road inspected for the purpose of ascer-
9 taining the facts in regard to the condition of the road. It shall be the duty
10 of the State Highway Commission, without unnecessary delay, to inspect the
11 same or cause it to be done, and if said hard roads shall be found to come with-
12 in the requirements named therein, it shall be the duty of the State Highway
13 Commission to proclaim and designate said road as a State Aid road, and it
14 shall thereafter be, and held to be, a State Aid road within the meaning of this
15 Act. In case the State Highway Commission finds said road does not meet the
16 requirements of this Act, it shall state in writing the grounds for its decision

17 and point out to the highway commissioners what repairs and betterments will,
18 in its opinion, deem necessary in order to make the road meet the requirements
19 of this Act. In case such repairs and betterments are made, the highway com-
20 missioners of the township or road district may renew their petition and have
21 the road again inspected and passed upon, as in the first instance.

22 Any Acts or parts of Acts in conflict herewith are hereby repealed.

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- 1 Introduced by Mr. Smejkal, April 2, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act requiring reports of births and deaths, and the recording of same, regulating the interment or other disposal of dead bodies, and prescribing a penalty for non-compliance with the provisions thereof, and repealing a certain Act named therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* It shall be the duty of every physician and mid-
3 wife in the State of Illinois, who attends the birth of a child, to make a report
4 of said birth, with the name of such child and such other information as may
5 be required by the State Board of Health, within ten days after its occurrence, in
6 writing, to the county clerk of the county in which the said birth takes place:
7 *Provided*, that in cities of 100,000 or more inhabitants, reports shall be made
8 to the city commissioner of health or to the register of vital statistics under
9 municipal ordinances, instead of the county clerk. Such reports shall be made

10 on blank forms prescribed by the State Board of Health. When no physician
11 or midwife has been in attendance, then it shall be the duty of the parents to
12 make said report within the time and in the manner aforesaid.

Sec. 2. Every physician, midwife or parent who shall comply with the
2 foregoing provisions shall be paid for each report of birth, made in the manner
3 directed by the State Board of Health, the sum of twenty-five (25) cents.

Sec. 3. Every city commissioner of health or registrar of vital statistics
2 to whom reports of births are made shall deliver to the county clerk of the
3 county in which the city is located, on or before the tenth day of each month,
4 a complete copy of each report of birth, received by him during the preceding
5 calendar month.

Sec. 4. No person shall inter, cremate, deposit in a vault or otherwise dis-
2 pose of any human body until he has received a permit so to do, as hereinafter
3 provided, which permit shall bear date when issued, shall state the name of the
4 deceased, the date and cause of death, the manner in which the body will be
5 disposed of and the place of such disposal, the name of the person to whom the
6 permit is issued, and the name of the attending physician, midwife or coroner
7 and shall be signed by the official by whom it is issued.

Sec. 5. No person or persons in charge of a cemetery or crematory shall
2 permit any human body to be interred in said cemetery or to be cremated in
3 said crematory until he or they shall have received a permit, as hereinafter
4 provided to inter, cremate or otherwise dispose of the body.

Sec. 6. The following persons shall issue permits for interment, cremation
2 or other disposal of bodies of such persons as die within their respective juris-
3 dictions, viz.: Road district clerks, and road district supervisors in counties not
4 under township organization; supervisors in counties not under township or-

ganization; supervisors and town clerks in counties under township organization, and the clerks of incorporated cities and villages, or their authorized deputies: *Provided*, that in counties not under township organization the State Board of Health shall be empowered to appoint in each road district an agent of said board, in addition to the district agent or the district supervisor, if the board shall deem it necessary that this be done; and the said agent appointed by the said State Board of Health shall be empowered to issue the permits provided for: *And, provided, further*, that the duties herein specified devolving upon city and village clerks may be performed, instead, by the registrar of vital statistics or other official designated by municipal ordinances: *And, provided, further*, that neither township clerks, or district clerks, nor supervisors, nor the district agents aforesaid, shall issue permits in cases of deaths which occur within the jurisdiction of incorporated cities or villages, or outside of their respective townships or district.

Sec. 7. No such permit shall be issued until there shall have been delivered to the proper official, as above designated, a certificate of death made in the manner directed, and on the blank form prescribed by the State Board of Health, by the legally qualified physician last in attendance, or by the midwife (in cases of still-birth only) or by the coroner of the county in which such deaths occurred.

Sec. 8. It shall be the duty of the physician last in attendance upon the deceased, or midwife (in case of still birth only) to sign the certificate hereinbefore required upon demand by the official authorized to issue the permit provided for in sections 6 and 7 of this Act, stating the primary and secondary cause of death according to the best information obtainable, and giving such correlative facts as may be required by the State or local board of health.

In case of any death occurring without medical attendance, or if death was due to violence, casualty, or any undue means, or suddenly while in apparent

9 health, or in any suspicious or unusual manner, it shall be the duty of the un-
10 dertaker, or person acting as such, to notify the permit issuing officer, and also
11 the coroner, of such death. Any coroner whose duty it is to hold an inquest on
12 the body of any deceased person, and to make the certificate of death required
13 for burial or removal permit, shall state in his certificate the name of the dis-
14 ease causing death; causes of violence and whether, (probably) accidental, sui-
15 cidal, or homicidal, as determined by the inquest; and shall in either case fur-
16 nish such information as may be required by the State or local board of health,
17 to properly classify the death.

Sec. 9. Any death coming under the supervision or direction of the coro-
2 ner shall be by him reported either to the district agent, the clerk of the town-
3 ship, village or city, or to the local board of health of such city or village, or
4 to the supervisor, as the case may be, in the manner directed and on the blank
5 forms prescribed by the State Board of Health.

Sec. 10. It shall be the duty of the official authorized to issue permits for
2 interment, cremation, or other disposal of dead bodies, to carefully examine the
3 certificates or reports of deaths, received from physicians, midwives or coro-
4 ners, and, if any such certificates or reports are incomplete or unsatisfactory,
5 he should require such further information to be furnished as may be necessary
6 to make the record complete and satisfactory. It shall be the duty of all physi-
7 cians, coroners, or midwives, presenting certificates or reports of deaths, or un-
8 dertakers or informants connected with the case, to furnish such information as
9 they may possess regarding the death, upon the demand of the permit issuing
10 officer or the State Board of Health.

Sec. 11. It shall be the duty of all supervisors and town clerks, clerks of
2 incorporated cities and villages, district agents, registrars of vital statistics,
3 or other officials designated by municipal ordinances, referred to in section 6 of

4 this Act, by whom burial or removal permits are issued, to deliver to the State
 5 Board of Health at Springfield, on or before the tenth day of each calendar
 6 month, all certificates or reports of deaths, presented to them during the pre-
 7 ceeding month: *Provided*, that in cities of 100,000 or more inhabitants, the ori-
 8 ginal certificate of death may be retained by the city commissioner of health,
 9 the registrar of vital statistics, or other official authorized by municipal ordi-
 10 nances to issue permits, and the city commissioner of health, registrar of vital
 11 statistics, or other official shall forward an exact copy of each certificate of
 12 death presented to him, to the State Board of Health at Springfield, within ten
 13 days following the calendar month during which the certificates were pre-
 14 sented.

Sec. 12. The State Board of Health shall make a record of all certificates
 2 of death forwarded to it, and shall deliver such certificates within thirty days
 3 to the proper county clerk.

Sec. 13. Every supervisor, town clerk, district clerk, clerk of incorporated
 2 cities or villages, district agent, registrar of vital statistics or other officials
 3 designated by municipal ordinances, empowered by section 6 of this Act to issue
 4 permits, shall receive for each certificate of death forwarded to the State
 5 Board of Health, upon which a permit has been issued in compliance with the
 6 provisions of the foregoing sections of this Act, a fee of twenty-five cents: *Pro-*
 7 *vided*, that the city clerk or the clerk, secretary or registrar of the board of
 8 health of any city of twenty thousand or more inhabitants, shall receive no
 9 compensation other than his salary for any of the duties devolved upon him
 10 by any of the provisions of this Act. At the close of each quarter of the calen-
 11 dar year, the State Board of Health shall certify to the county clerk a list giving
 12 the number of certificates of death forwarded to him, and the names and ad-
 13 dresses of the officials so forwarding and payment therefor shall be made by
 14 the county treasurer to the officials named in said list.

Sec. 14. The fees provided for in sections 2 and 13 of this Act are hereby
2 made and declared to be a charge upon the county in which said fees may ac-
3 crue, and the county clerk of the respective counties, shall upon the request of
4 any person entitled to said fees in his county, issue to such person his warrant
5 upon the county treasurer of said county for the amount of fees due to such
6 person under this Act, and the county treasurer of said county shall pay the
7 same upon presentation thereof: *Provided*, that no payment shall be made un-
8 der the provisions of sections 2 and 13 of this Act in the case of still-birth where
9 the period of gestation is less than seven months. It shall be the duty of the
10 board of supervisors or the board of county commissioners in counties under
11 township organization, and the board of county commissioners in counties not
12 under township organization, to appropriate such sums as may be necessary
13 for the purposes of this Act.

Sec. 15. The county clerk of each county shall record in the manner di-
2 rected by the State Board of Health, all certificates of births and deaths delivered
3 to him pursuant to law, and shall file such certificates in his office. Each
4 county clerk shall also, during the first ten days of January, April, July and
5 October of each year, render to the State Board of Health, in the manner di-
6 rected by the said board, a full and complete report of all births reported to him
7 during the preceding quarter.

Sec. 16. The State Board of Health, the county clerks of the several counties
2 and the commissioners of health or registrar of vital statistics in cities of 100,-
3 000 or more inhabitants, shall upon request furnish any applicant a certified
4 copy of the record of birth and death registered under the provisions of this
5 Act; for the making and certification of which they shall be entitled to a fee
6 of fifty (50) cents, to be paid by the applicant; and any such copy of the record
7 of a birth or death when properly certified by the State Board of Health, the

8 county clerk, the commissioner of health, or the registrar of vital statistics
9 as a true copy thereof, shall be *prima facie* evidence in all courts and places of
10 the facts therein stated and properly certified copies of reports of birth shall
11 constitute *prima facie* proof of age, in matters bearing upon inheritances, school
12 entrance, child labor, or legal consent.

Sec. 17. Any person who shall wilfully alter any certificate of birth or
2 death, or the copy of any certificate of birth or death, shall be deemed guilty
3 of a misdemeanor and shall be subject to the penalties provided for in this Act:
4 *Provided*, that marginal notes on a certificate or report of birth or death, made
5 by a permit issuing officer or by any official empowered to record such certifi-
6 cates or reports and attested by the signature or initials of such officer or
7 official shall not be considered as an alteration of such certificate or report.

Sec. 18. The State Board of Health shall prescribe such forms for reports
2 of births and certificates of death as it may deem proper, and shall furnish a
3 copy of each form to the county clerks of the several counties. It shall be the
4 duty of the county clerks to have blank reports of births and certificates of
5 death printed strictly in accordance with the forms prescribed by the State Board
6 of Health, and furnish the same, free of charge, to the physicians, under-
7 takers, midwives and coroners of their respective counties: *Provided*, that in
8 cities and villages, the local board or department of health or the city or vil-
9 lage clerk, as the case may be, may have printed blank certificates of birth and
10 of death strictly in accordance with the forms prescribed by the State Board of
11 Health, and furnish the same free of charge to physicians or undertakers and
12 midwives. No report of a birth or certificate of death shall be made by a physi-
13 cian, midwife or coroner except on a blank form such as prescribed by the
14 State Board of Health.

Sec. 19. Any person or persons who shall violate any of the provisions
2 of this Act, shall be deemed guilty of a misdemeanor and upon conviction
3 thereof, shall be fined not less than ten nor more than one hundred dollars, or
4 shall be imprisoned in the county jail not to exceed thirty days, or shall suffer
5 both such fine and imprisonment in the discretion of the court.

Sec. 20. All fines collected under the provisions of this Act shall be paid
2 into the county treasury of the county in which the suit is brought, to be used
3 for county purposes, and it shall be the duty of the State's attorney in the re-
4 spectice counties to prosecute all persons violating or refusing to obey the pro-
5 visions of this Act.

Sec. 21. An Act requiring reports of birth and death, and the recording of
2 the same and prescribing a penalty for non-compliance with the provisions
3 thereof, and repealing certain Acts therein named. approved May 6, 1903,
4 and all Acts or parts of Acts in conflict with the provisions of this Act are
5 hereby repealed.

6 This Act shall be in force on and after January 1, 1910.

1 Introduced by Mr. Chipperfield, April 7, 1909.

2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to amend section 6 of an Act entitled “An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized the laws of this State, or doing business herein,” approved May 20, 1907, in force January 1, 1908.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 6 of an Act entitled “An Act relating to the transaction of the business of life insurance in the State of Illinois, and regulating the conditions and provisions of policies of life insurance companies, organized under the laws of this State, or doing business herein,” approved May 20, 1907, in force January 1, 1908, be amended to read as follows:

7 Sec. 6. This Act shall not apply to annuities, industrial policies, or to corporations or associations operating on the assessment or fraternal plan.

9 *Provided, that in every case where a contract provides for both insurance*
10 *and annuities this Act shall apply to that part of the contract only which provides*
11 *for insurance, but every such contract providing for a deferred annuity on the*
12 *life of the insured only shall (unless paid for by a single premium) provide*
13 *that in the event of the non-payment of any premium after three full years' prem-*
14 *iums shall have been paid, the annuity shall automatically become converted into*
15 *a paid-up annuity for such proportionn of the original annuity as the number of*
16 *completed years' premiums paid bears to the total number of premiums re-*
17 *quired under the contract.*

- 1 Introduced by Mr. Chipperfield, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Insurance.

A BILL

For an Act to amend section 1 of an Act entitled "An Act to correct certain abuses and prevent unjust discriminations of and by life insurance companies doing business in this State, between insurants of the same class and equal expectation of life, in the rates, amount, or payment of premiums, in the return of premiums, dividends, rebates or other benefits," approved June 19, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 1 of an Act entitled "An Act to cor-
3 rect certain abuses and prevent unjust discriminations of and by life insur-
4 ance companies doing business in this State, between insurants of the same
5 class and equal expectation of life, in the rates, amount, or payment of prem-
6 iums, in the return of premiums, dividends, rebates, or other benefits," ap-
7 proved June 19, 1891, in force July 1, 1891, be amended to read as follows:
8 Sec. 1. That no life insurance company or association organized under

9 the laws of this State, or doing business within the limits of the same, shall
10 make or permit any distinction or discrimination between insurants of the same
11 class and equal expectation of life, in its established rates; nor in the charging,
12 collecting, demanding or receiving of the amount of premium for insurants of
13 the same class and equal expectation of life; nor in the return ratably of
14 premium, dividends, or other benefits accruing, or that may accrue, to such
15 insurants as aforesaid; nor in the terms and conditions of the contract between
16 such company and the insurants; and such contract of insurance shall be fully
17 and wholly expressed and contained in the policy issued and the application
18 therefor; nor shall any such company or its agents pay, or allow, or offer to
19 pay or allow to any person insured any special rebate or premium, or any
20 special favor or advantage in the dividends or other benefits to accrue on such
21 policy, or promise the same to any person as inducement to insure, or promise
22 to give any advantage or valuable consideration whatever, not expressed or
23 specified in the policy of such company.

24 *Provided, that any life insurance company doing business in this State*
25 *may issue policies of life or endowment insurance, with or without annuities,*
26 *with special rates of premium, less than the usual rates of premium for such*
27 *policies, to members of labor unions, lodges, beneficial societies, or similar or-*
28 *ganizations, or employes of a single employer, who through their secretary or*
29 *other officer, or employer, may take out insurance in an aggregate of not less*
30 *than one hundred members and pay their premiums through such officer or*
31 *employer.*

- 1 Introduced by Mr. Tippit, April 7, 1909.
- 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to protect benevolent, humane, fraternal or charitable corporations in the use of their names and emblems and providing penalties for the violation thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no male person, society, association or corpo-
3 ration shall assume, adopt or use the name of a benevolent, humane, frater-
4 nal or charitable organization, incorporated under the laws of this or any
5 other State, or of the United States, or a name so nearly resembling the name
6 of such incorporated organization as to be a colorable imitation thereof, or
7 calculated to deceive persons not members, with respect to such corporation.
8 In all cases where two or more of such societies, associations or corporations
9 claim the right to the same name, or to names substantially similar as above
10 provided, the organization which was first organized and used the name, and

11 first became incorporated under the laws of the United States or of any state
12 of the Union, shall be entitled in this State to the prior and exclusive use of
13 such name, and the rights of such societies, associations or corporations, and
14 of their individual members, shall be fixed and determined accordingly.

Sec. 2. No person shall wear or exhibit the badge, button, emblem, deco-
2 ration, insignia, or charm, or shall assume or use the name of any benevolent,
3 humane, fraternal or charitable corporation, incorporated under the laws of
4 this or any other State or of the United States, or shall assume or claim to
5 be a member thereof, or of a benevolent, humane, fraternal or charitable cor-
6 poration, the name of which shall so nearly resemble the name of any other
7 corporation existing prior to the organization of the corporation or association
8 of which such person may claim to be a member, the name whereof may be
9 calculated to deceive the people, with respect to any such prior corporation,
10 unless he shall be authorized under the laws, statutes, rules, regulations and
11 by-laws of such former corporation to wear such badge, button, emblem, deco-
12 ration, insignia, or charm, or to use and assume such name as a member
13 thereof.

Sec. 3. Whenever there shall be an actual or threatened violation of the
2 above Act, an application may be made to the court or judge having juris-
3 diction, to issue an injunction upon notice to the defendant of not less than
4 five days, for an injunction so restraining such actual or threatened viola-
5 tion, or, if it shall appear to such court or justice that the defendant is in
6 fact using the name of a benevolent, humane, fraternal or charitable corpora-
7 tion, incorporated as aforesaid, or a name so nearly resembling it as to be
8 calculated to deceive the public, or is wearing or exhibiting the badge, insignia
9 or emblem of such corporation without authority thereof, and in violation of
10 the above Act, an injunction may be issued by said court or justice, enjoin-

11 ing or restraining such actual or threatened violation, without requiring proof
12 that any person has in fact been misled or deceived thereby.

Sec. 4. Any person violating the provisions of sections 1 or 2 of this Act
2 shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not
3 exceeding fifty dollars or imprisonment in the county jail not exceeding thirty
4 days, or both such fine and imprisonment.

1 Introduced by Mr. Fieldstack, April 7, 1909.

2 Read first time, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend an Act entitled “An Act to tax gifts, legacies and inheritances in certain cases and to provide for the collection of the same,” approved June 15, 1895, in force July 1, 1895, by adding thereto section 15 $\frac{1}{2}$.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled “An Act to tax gifts, legacies and inheritances in certain cases and to provide for the collection of the same,” approved June 15, 1895, in force July 1, 1895, be amended by adding thereto a new section to be known as section 15 $\frac{1}{2}$; said section to read as follows:

To enable county treasurers to obtain information regarding omitted property.

Sec. 15 $\frac{1}{2}$. Whenever any person or persons shall present to the county treasurer of any county in this State information of the fact of any person,

11 not a resident of this State, has died or shall hereafter die, testate or intestate,
12 seized or possessed of any property liable to the payment of the tax under the
13 provisions of this Act and no letters testamentary or of administration have,
14 or shall have been, taken out in such estate in this State, within one year from
15 the date of the death of such person, it shall be lawful for the county treasurer,
16 of the county in which such tax should be paid, to enter into an agreement in
17 writing with any person or persons giving him information of the property, so
18 aforesaid liable to taxation, to pay to such person or persons out of the tax
19 collected from such property on account of the information so furnished by
20 such person, such proportion thereof as shall be fixed and determined upon
21 by the said county treasurer.

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- 1 Introduced by Mr. Hollenbeck, April 7, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend sections two (2), twenty-three (23) and twenty-four (24) of an Act entitled "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874; as amended by an Act approved May 24, 1877, in force July 1, 1877; as amended by an Act approved June 1, 1889, in force July 1, 1889; as amended by an Act approved May 13, 1905, in force July 1, 1905; as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections two (2), twenty-three (23) and
3 twenty-four (24) of an Act entitled "An Act to revise the law in relation to
4 paupers," approved March 23, 1874, in force July 1, 1874; as amended by an
5 Act approved May 24, 1877, in force July 1, 1877; as amended by an Act ap-
6 proved June 1, 1889, in force July 1, 1889; as amended by an Act approved May
7 13, 1905, in force July 1, 1905; as amended by an Act approved May 24, 1907,
8 in force July 1, 1907, be and the same are hereby amended to read as follows:

9 Sec. 2. The children shall first be called on to support their parents, if
 10 there be children of sufficient ability; and if there be none of sufficient ability,
 11 the parents of such poor person shall next be called on if they be of sufficient
 12 ability; and if there be no parents or children of sufficient ability, the brothers
 13 and sisters of such poor person shall next be called on, if they be of sufficient
 14 ability; and if there be no brothers or sisters of sufficient ability, the grand-
 15 children of such poor person shall next be called on, if they be of sufficient
 16 ability, and next the grandparents, if they be of sufficient ability: *Provided*,
 17 married females, while their husbands live, shall not be liable to contribute for
 18 the support of their poor relatives, except when they have separate property,
 19 or property in their own right, out of which such contributions can be made:
 20 *Provided, further, that when the county in the first instance shall furnish sup-*
 21 *port to such persons as are mentioned in section 1 of this Act, that the county*
 22 *can sue the relatives mentioned in this section, in the manner provided in this*
 23 *Act, for any sum or sums paid by the county for the support of such persons*
 24 *mentioned in section 1 of this Act.*

24 Sec. 23. When any poor or indigent person does not require to be sup-
 25 ported wholly by the county, the overseer of the poor may, subject to such limi-
 26 tations as may be prescribed by the county board, render him temporary re-
 27 lief without his being committed to the care of any such person, or being sent
 28 to the county poor house: *Provided, that when the county shall furnish such*
 29 *poor or indigent person temporary relief, that the county shall recover from*
 30 *the relatives of such poor or indigent persons in an appropriate action as pro-*
 31 *vided by this Act.*

32 Sec. 24. When any non-resident, or any person not coming within the defi-
 33 nition of a pauper, of any county or town, shall fall sick or die, not having
 34 money or property to pay his board, nursing and medical aid or burial ex-
 35 penses, the overseer or overseers of the poor of the town or precinct in which he

36 may be shall give, or cause to be given to him such assistance as they may deem
37 necessary and proper, or cause him to be conveyed to his home, and if he shall
38 die, cause him to be decently buried; and the county shall pay the reasonable ex-
39 pense thereof, which expenses *of board, nursing, medical aid and burial ex-*
40 *penses, may be recovered from the relatives of the said pauper, or from the*
41 *county of which he is a resident, in an appropriate action.*

- 1 Introduced by Mr. Scott, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend sections 1, 2, 3, 4, 7, 8, 12, 16, 17, 18, 19, 20, 21, 23, 28, 30, 31 and 34 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899; as amended by an Act approved May 23, 1903, in force July 1, 1903; and as amended by an Act approved May 23, 1905, in force July 1, 1905; and as amended by Acts approved May 13, 25 and 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 1, 2, 3, 4, 7, 8, 12, 16, 17, 18, 19, 20,
3 21, 23, 28, 30, 31 and 34 of an Act entitled, "An Act to revise the law in rela-
4 tion to coal mines and subjects relating thereto, and provide for the health
5 and safety of persons employed therein," approved April 18, 1899, in force
6 July 1, 1899; as amended by an Act approved May 23, 1903; in force July 1,

7 1903; and as amended by an Act approved May 23, 1905, in force July 1, 1905,
8 and as amended by Acts approved May 13, 25 and 27, 1907, in force July 1, 1907,
9 be and the same are hereby amended so as to read as follows:

10 Sec. 1. SURFACE SURVEY.] (b) Every such map or plan shall correctly
11 show the surface boundary lines of the coal rights pertaining to each mine,
12 and all sections or quarter section lines or corners within the same; the lines
13 of town lots and streets; the tracks and side tracks of all railroads, and the
14 location of all wagon roads, rivers, streams, ponds and mine buildings.

15 THE DIP.] (f) Each map shall also show, by measurements, in feet and
16 decimals thereof, the rise and dip of the seam in the entries, from the bottom
17 of the shaft in either direction to the face.

18 PENALTIES FOR FAILURES.] (k) Whenever the operator of any mine shall
19 refuse; or, for any cause not satisfactory to the mine inspector, fail, for the
20 period of three months, to furnish said inspector and recorder, the map
21 or plan of such mine or a copy thereof, or of the extension thereto, as pro-
22 vided for in this Act, such operator shall be deemed guilty of a misdemeanor,
23 and on conviction thereof shall be fined not more than one hundred dollars,
24 and shall stand committed to the county jail until such fine is fully paid, and
25 in addition thereto, the inspector is hereby authorized to make or cause to
26 be made an accurate map or plan of such mine at the expense of the owner
27 thereof; and the costs of the same may be recovered by law from the operator
28 in the same manner as other debts, by suit, in the name of the inspector and
29 for his use, and a copy of the same shall be filed by him with said recorder.

30 Sec. 2. GATES AT THE TOP.] (c) The upper and lower landings at the top
31 of each shaft, and the openings of each intermediate seam from or to the
32 shaft, shall be kept clear and free from loose materials as nearly as practica-
33 ble, and shall be securely fenced with automatic or other gates, so as to pre-
34 vent either men or materials from falling into the shaft.

35 GENERAL EQUIPMENT.] (d) Every hoisting shaft must be equipped with
 36 substantial cages fitted to guide rails running from the top to the bottom.
 37 Said cages must be substantially constructed; they must be furnished with
 38 suitable boiler iron covers, to protect persons riding thereon from falling ob-
 39 jects; they must be equipped with safety catches. Every cage on which per-
 40 sons are carried must be fitted up with iron bars or rings in proper places and
 41 sufficient number to furnish a secure hand hold for every person permitted to
 42 ride thereon. At the top landing, cage supports, where necessary, must be
 43 carefully set and adjusted, so as to act automatically and securely hold the
 44 cages when at rest.

45 Sec. 3. TWO PLACES OF EGRESS.] (a) For every coal mine in this State,
 46 whether worked by shaft, slope or drift, there shall be provided and main-
 47 tained, in addition to the hoisting shaft, or other place of delivery, an escape-
 48 ment shaft or opening to the surface, or an underground communicating pas-
 49 sageway between every such mine and some other contiguous mine, such as
 50 shall constitute two distinct and available means of egress to all persons em-
 51 ployed in such coal mine.

52 The time allowed for completing such escapement shaft, or making such
 53 connections with an adjacent mine, as is required by the terms of this Act,
 54 shall be three months for shafts 200 feet or less in depth; and six months for
 55 shafts less than 500 feet and more than 200 feet; and nine months for all other
 56 mines, slopes or drifts or connections with adjacent mines. The time to date
 57 in all cases from the hoisting of coal from the main shaft.

58 STAIRWAYS OR CAGES.] (f) The escapement shaft at every mine shall be
 59 equipped with a cage or cages, or a substantial stairway, set at an angle not
 60 greater than forty-five degrees, which shall be provided with hand rails and
 61 with platforms or landings at each turn of the stairway.

62 In any escapement shaft which may, at the time of the passage of this
 63 Act, be equipped with a cage for hoisting men, such cage must be suspended
 64 between guides and be so constructed that falling objects cannot strike persons
 65 being hoisted upon it. Such cage must also be operated by a steam hoisting
 66 engine, which shall be kept available for use at all times, and the equipment
 67 of said hoisting apparatus shall include a depth indicator, a brake on the
 68 drum, a steel or iron cable and safety catches on the cage.

69 OBSTRUCTIONS IN SHAFT.] (g) No accumulation of ice or obstructions of
 70 any kind shall be permitted in any escapement shaft; and all surface or other
 71 water which flows therein shall be conducted, by rings or otherwise, to re-
 72 ceptacles for the same, so as to keep the stairway free from falling water
 73 as nearly as possible.

74 Sec. 4. FLANGES.] (c) Flanges shall be attached to the sides of the drum
 75 of any engine used for hoisting men, with a clearance of not less than three
 76 inches when the whole rope is wound on the drum.

77 SIGNALS.] (f) The code of signals, as provided for in this Act, shall be
 78 displayed in conspicuous letters in some conspicuous place in the engine room.

79 GAUGES.] (g) Every boiler shall be provided with a glass water gauge
 80 or not less than three try cocks and also a steam gauge, except that where
 81 two or more boilers are equipped with a steam drum, properly connected with
 82 the boiler to indicate the steam pressure and without any valve between said
 83 boiler and the steam drum, the steam gauge may be placed in said steam drum;
 84 and another steam gauge shall be attached to the steam pipe in the engine
 85 house, the two to be placed in such position that both the engineer and fireman
 86 can readily see what pressure is being carried. Such steam gauges shall be
 87 kept in good order and adjusted and be tested as often at least as every six
 88 months.

89 SAFETY VALVES.] (h) Every boiler shall be provided with a safety valve
 90 of sufficient area for the escape of steam, and with weights or springs properly

91 adjusted, except that where two or more boilers are equipped with a steam
92 drum properly connected with the boilers to indicate the steam pressure and
93 without any valve between said boiler and the steam drum, the safety valve
94 may be placed in said steam drum.

95 . Sec. 7. FOR INSPECTORS.] (a) Persons coming before the State Mining
96 Board as candidates for appointment as State inspectors of mines, must pro-
97 duce evidence satisfactory to the board that they are citizens of the United
98 States, at least thirty years of age, that they have had a practical mining ex-
99 perience of ten years, and that they are men of good repute and temperate
100 habits; they must also submit to and satisfactorily pass an examination as to
101 their practical and technical knowledge of mining engineering and mining ma-
102 chinery and appliances, of the proper development and operation of coal mines,
103 of ventilation in mines, of the nature and properties of mine gases, of the
104 geology of the coal measures in this State, and of the laws of this State relat-
105 ing to coal mines.

106 FOR MINE MANAGER.] (d) Persons coming before the board for certifi-
107 cates of competency as mine managers, must produce evidence satisfactory to
108 the board that they are citizens of the United States, at least twenty-four
109 years of age, that they have had at least four years' practical mining ex-
110 perience, and that they are men of good repute and temperate habits; they
111 must also submit to and satisfactorily pass such an examination as to their
112 experience in mines and in the management of men, their knowledge of mine
113 machinery and appliances, the use of surveying and other instruments, the
114 properties of mine gases, the principles of ventilation and the specific duties
115 and responsibilities of mine managers, as the board shall see fit to impose.

116 FOR HOISTING ENGINEERS.] (e) Persons seeking certificates of competency
117 as hoisting engineers must produce evidence satisfactory to the board that
118 they are citizens of the United States, at least twenty-one years of age, that

119 they have had either six months' experience as a hoisting engineer or six
 120 months' practical instructions under the direction of a hoisting engineer, and
 121 are of good repute and temperate habits. They must be prepared to submit
 122 to and satisfactorily pass an examination as to their experience in handling
 123 hoisting machinery, and as to their practical and technical knowledge of the
 124 construction, cleaning and care of steam boilers, the care and adjustment of
 125 hoisting engines, the management and efficiency of pumps, ropes and winding
 126 apparatus, and their knowledge of the laws of this State in relation to signals
 127 and the hoisting and lowering of men at mines.

128 FOR MINE EXAMINERS.] (f) Persons seeking certificates of competency as
 129 mine examiners must produce evidence satisfactory to the board that they are
 130 citizens of the United States, at least twenty-one years of age, and of good
 131 repute and temperate habits. They must be prepared to submit to and satis-
 132 factorily pass an examination as to their experience in mines generating
 133 dangerous gases, their practical and technical knowledge of the nature and
 134 properties of fire-damp, the laws of ventilation, the structure and uses of
 135 safety lamps, and the laws of this State relating to safeguards against fires
 136 from any source in mines.

137 Sec. 8. UNLAWFUL TO EMPLOY OTHER THAN CERTIFIED MINE MANAGERS.] (e)
 138 It shall be unlawful for the operator of any coal mine to employ, or suffer to
 139 serve, as mine manager at his mine, any person who does not hold a certificate
 140 of competency issued by a duly authorized board of examiners of this State:
 141 *Provided*, that whenever any exigency arises by which it is impossible for
 142 any operator to secure the immediate services of a certificated mine manager,
 143 he may place any trustworthy and experienced man of the mine inspection
 144 district in charge of his mine to act as temporary mine manager for a period
 145 not exceeding seven days, and with the approval of the State Inspector of the
 146 district, for a further period of thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] (g) If shall be unlawful for the operator of any mine to employ, or suffer to serve, as mine examiner, any person who does not hold a certificate of competency, issued by the State Mining Board: *Provided*, that any one holding a mine manager's certificate may serve as mine examiner, and, whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certified mine examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding seven days, and with the approval of the State Inspector of the district, for a further period of thirty days. The employment of persons who do not hold certificates as mine managers, hoisting engineers, and mine examiners, shall in no case exceed the limit of time specified herein and the State Inspector shall not approve of the employment of such persons beyond the thirty day limit.

Sec. 12. INSPECTORS' ANNUAL REPORTS.] (i) Each State Inspector of Mines shall, within sixty days after June 30, of every year, prepare and forward to the State Mining Board a formal report of his acts during the year in the discharge of his duties, with any recommendations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said secretary, all desired statistics of mines and miners within his district to accompany said annual report.

REPORTS TO BE PUBLISHED.] (j) On the receipt of said inspectors' reports the secretary of the State Mining Board shall proceed to compile and summarize the same as a report of said board, to be known as the Annual Coal Report, which shall, within four months thereafter, be bound, printed and transmitted to the Governor for the information of the General Assembly and the public. The printing and binding of said reports shall be provided for by the Commissioners of State Contracts in like manner and in like number as

175 they provide for the publication of other official reports to the Governor.

176 The Secretary of State shall furnish to said inspectors, upon the requisi-
177 tion of the State Mining Board, whatever instruments, blanks, blank books,
178 stationery, printing and supplies may be required by said inspectors in the dis-
179 charge of their official duties; said instruments to be paid for on bills of par-
180 ticulars, certified by the Secretary of State and approved by the Governor.

181 Every coal operator shall, within thirty days after June 30, of each year,
182 furnish to the State Mine Inspector of the district, on blanks furnished by him
183 prior to said June 30, statistics of the wages and conditions of their employes
184 as required by law. The failure of any inspector to forward to the State
185 Mining Board his formal report, as provided in paragraph (i) hereof, or the
186 failure of any coal operator to furnish to the State Mine Inspector of the dis-
187 trict the statistics provided for herein, shall be adjudged a misdemeanor and
188 be subject to a fine of \$100.

189 DUTIES OF MINE MANAGERS AND MINERS.

190 Sec. 16. (a) The mine manager shall instruct employes as to their re-
191 spective duties, and shall visit and examine the various working places in the
192 mines as often as practicable. He shall always provide a sufficient supply of
193 props, caps and timber delivered at the usual place when demanded, of
194 sufficient lengths and dimensions for the securing of the roof by the miners.
195 and it shall be the duty of the miner to properly prop and secure his place
196 with materials provided therefor. The miner shall make his requisition for
197 props, caps and timber in such manner as the mine manager shall desig-
198 nate.

199 VENTILATION.] (b) It shall be the duty of the mine manager to see that
200 all stoppings along airways are properly and promptly built and that cross-
201 cuts are made at proper distances apart. He shall keep careful watch over

all ventilating apparatus and the air-currents in the mine, and in case of accident to fan or machinery by which the currents are obstructed or stopped; he shall at once order the withdrawal of the men and prohibit their return until thorough ventilation has been re-established.

HANDLING EXPLOSIVES.] (d) He shall give special attention to and instruction concerning the proper storage and handling of explosives in the mine, and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to the rules of the mine or orders of the mine manager. In mines or parts of mines where the inspector shall require it, he shall see that all haulage roads are thoroughly sprinkled as frequently as the inspector shall in writing require. He must also see that the underground workings are examined as required by section 18 hereof, and that all dangerous places above are properly examined, and that danger signals are displayed wherever required.

CARE OF ROPES, CAGES, ETC.] (e) The mine manager or superintendent must have special attention given to the condition of the hoisting ropes; they must be carefully and frequently scrutinized. Before the men are lowered in the morning the soundness of the ropes must be tested by hoisting the cages. He must also have the cages, safety catches, pumps, sumps and stables examined frequently. He must also have the underground workings examined once each twenty-four hours prior to the men being allowed to go to work in the morning, and know that the top man and bottom man are on duty, and that a large torch, lamp or electric light is maintained at the bottom of the shaft when men are being hoisted or lowered, and at the top or surface landing when men are being hoisted or lowered before daylight or after dark.

MAY HAVE ASSISTANTS.] (g) Competent persons may be designated and appointed as assistants to the mine manager, who shall exercise his functions under instructions.

230 Sec. 17. CONSTANT ATTENDANCE.] (a) The hoisting engineer at any mine
 231 shall be in constant attendance at his engine or boilers at all times when there
 232 are workmen, other than the mine examiners, pumpmen or mule feeders, un-
 233 der ground.

234 DUTIES OF MINE EXAMINERS.

235 Sec. 18. TO ENTER AND EXAMINE ALL PLACES.] (a) A mine examiner
 236 shall be required at all mines. His duty shall be to visit the underground
 237 workings before the men are permitted to enter the same in the morning, and,
 238 first, he shall see that the air current is traveling in its proper course and in
 239 proper quantity. In order to correctly determine the quantity of air in cir-
 240 culation in different portions of the mine it is hereby made his duty to meas-
 241 ure with an instrument for that purpose, the amount of air passing in the
 242 last cross-cut or break through of each pair of entries, or in the last room of
 243 each division in a long wall mine, and at all other points where he deems it
 244 necessary, the same to be noted in the daily book kept for that purpose. He
 245 shall then inspect all passages and roadways through which men are expected
 246 to pass to and from their working places and observe whether there are any
 247 recent falls or obstructions therein, or other unsafe conditions. He shall
 248 especially examine the edges and accessible parts of recent falls therein and
 249 old gobs and air courses. He shall also examine said passages, roadways and
 250 air courses, and the working places for accumulations of gas. As evidence
 251 of his examination of the roadways leading to the working places and of his
 252 examination of said working places for accumulations of gas, he shall inscribe
 253 in a conspicuous place at said working places, according to the rules of the
 254 mine, with chalk, the month and day of the month for which the inspection is
 255 made.

256 TO POST DANGER NOTICES.] (b) When roadways are discovered in which
 257 recent falls or any dangerous conditions exist, or when working places are dis-

covered in which accumulations of gas exist, he shall place a conspicuous mark thereat as notice to all men to keep out and report his findings to the mine manager before men are allowed to enter the underground workings in the morning. No one shall be allowed to remain in any part of the underground workings through which gas in dangerous quantities is being carried into the ventilating current, nor to enter that part of the underground workings to work therein except under the direction of the mine manager, until all conditions so reported to the mine manager shall have been made safe.

TO MAKE DAILY RECORD.] (c) The mine examiner shall make a daily record of the condition of the mine, as he has found it, in a book kept for that purpose, which shall be preserved in the office, or other convenient, accessible and safe place on top at the mine, for the information of the company, the inspector and all other persons interested, and this record shall be made each morning before the miners are permitted to descend into the mine.

Sec. 19. MEASUREMENTS.] (b) The measurements of the currents of air shall be taken with an anemometer at the foot of the downcast, at the foot of the upcast, and at the intake and outlet of each division or split of the air current. And a record of such measurements shall be made and preserved in the office, as elsewhere provided for in this Act.

SELF-CLOSING DOORS.] (e) All doors in mines, used in guiding and directing the ventilating currents, shall be so hung and adjusted as to close automatically.

TRAPPERS.] (f) At all doors through which three or more drivers are hauling coal on any one shift, an attendant shall be employed on said shift for the purpose of opening and closing said doors when trips of cars are passing to and from the workings. Places for shelter shall be provided at such doorways to protect the attendants from being injured by the cars while attending to their duties: *Provided*, that in any or all mines, where doors are

286 constructed in such a manner as to open and close automatically, attendants
287 and places for shelter shall not be required.

288 CROSS-CUTS.] (g) Cross-cuts between entries shall be made not more
289 than 60 feet apart without permission of the State inspector of the district.
290 When undercut or sheared, the entry, the cross-cut and roomneck, which shall
291 not exceed fifteen feet in depth, may be advanced concurrently, but shots shall
292 not be exploded on any one shift in such places which contain more than two
293 pounds of powder.

294 When not undercut or sheared, the entry and cross-cut may be advanced
295 concurrently, but no rooms shall be opened in advance of the last open cross-
296 cut. No more than three shots shall be exploded on any one shift and no
297 more than three pounds of powder shall be used in any one shot.

298 STOPPINGS.] (h) When it becomes necessary to close cross-cuts connect-
299 ing the inlet and outlet air courses, the stoppings shall be built in a substantial
300 manner with suitable material.

301 Sec. 20. STORING EXPLOSIVES.] (*first paragraph*) No blasting powder, or
302 other explosives shall be stored in any coal mine and no workman shall have
303 at any time more than one twenty-five pound keg of black powder in the mine,
304 nor more than three pounds of high explosives, and in no case shall more
305 than one kind of explosive be used in any one drill hole: *Provided*, that noth-
306 ing in this section shall be construed to prevent the operator of any mine
307 from taking into the mine, when miners are not therein, and in electrically
308 equipped mines, while the current is turned off on roadways through which
309 it is transported, a sufficient quantity of powder for the reasonable require-
310 ments of such mine for the next succeeding working day. It shall be unlawful
311 for any person to carry blasting powder into the mine or have it in his pos-
312 session, except in manufacturers' kegs or in proper powder can made for the
313 purpose with a tight fitting sleeved cap or a screwed stopper; and no man shall
314 carry blasting powder on any cage while men are being hoisted or lowered.

315 [COPPER TOOLS.] (c) In process of charging and tamping a hole, no per-
 316 son shall use any iron or steel pointed needle. The needle used in preparing
 317 a blast shall be made of copper and the tamping bar shall be tipped with at least
 318 five (5) inches of copper. No coal nor any material that is inflammable, or that
 319 may create a spark, shall be used for tamping, and some soft material must
 320 always be placed next to the cartridge or explosive.

321 [NOT MORE THAN ONE SHOT AT A TIME.] (e) Not more than one shot shall
 322 be ignited at the same time in any one working place, unless the firing is done
 323 by electricity or by fuses of such length that the interval between the ex-
 324 plosions of any two shots shall not be less than one minute; and in no case
 325 shall any two or more shots be fired or lighted at once if either of such shots
 326 would be a "dead" hole, as defined by law, in case the shot next succeeding
 327 it failed to explode or do its work properly. When successive shots are to
 328 be fired in any working place in which the roof is broken or faulty, the smoke
 329 must be allowed to clear away and the roof must be examined and made secure
 330 between shots.

331 [UNDERCUTTING, SHEARING AND DRILLING.] *Paragraph (g).* Paragraph(g)
 332 which now reads as follows: "[DUSTY MINES.] (g) In case the galleries, road-
 333 ways or entries of any mine are so dry that the air becomes charged with dust,
 334 the operator of such mine must have such roadway regularly and thoroughly
 335 sprayed, sprinkled or cleaned," is hereby repealed, and the following is en-
 336 acted in place thereof:

337 On and after April 1, 1910, no person shall ignite any shot in any room
 338 or entry until the coal has been properly sheared or undercut and it shall be
 339 unlawful to drill and charge any hole deeper than the undercutting or shear-
 340 ing: *Provided, however,* in mines where it is found impracticable to shear or
 341 undercut by hand or machine, it shall be lawful to employ experienced men
 342 whose sole duty it shall be to drill and shoot the coal from the solid. In case

343 of new mines in process of development, where the drilling and shooting does
 344 not fully employ the men, they may be employed at other work also.

345 Sec. 21. ENGINE PLANES.] (a) On all single track hauling road wherever
 346 hauling is done by machinery and on all gravity or inclined planes, in mines,
 347 which the persons employed in the mine must use while performing their
 348 work or travel on foot to and from their work, there must be places of refuge
 349 in one side wall and not less than three feet in width from the side of the
 350 car, and not less than four feet long and five feet in height and not more
 351 than twenty yards apart, which space shall be deemed sufficient for the safe
 352 passage of men.

353 MULE ROADS.] (b) On all hauling roads or gangways on which the haul-
 354 ing is done by draft animals, or gangways whereon men are obliged to be in
 355 the performance of their duties or have to pass to and from their work, there
 356 must be places of refuge in one side wall not less than two and one-half feet
 357 in width from the side of the car, and not less than four feet long and five feet
 358 in height and not more than twenty yards apart, but such places shall not
 359 be required in entries from which rooms are driven at regular intervals not
 360 exceeding twenty yards.

361 KEEPING REFUGE PLACES CLEAR] (c) All places of refuge must be kept as
 362 nearly as possible clear of obstructions.

363 RIDING CARS OR TRIPS FORBIDDEN.] (d) No person shall ride on a car or
 364 trip of cars hauled by mules, except the driver; nor on a car or trip of cars
 365 hauled by machinery, except the motorman and trip rider, without in each
 366 case, the consent of the mine manager or superintendent.

367 CODE OF SIGNALS AT MINES.

368 Sec. 23. At every mine operated by shaft and steam power, the means of
 369 signaling to and from the bottom man, the top man and the engineer, shall

370 consist of a tube, or tubes, or wire encased in wood or iron pipes, through
 371 which signals shall be communicated by electricity, compressed air or other
 372 pneumatic devices or ringing of a bell. The following signals are provided
 373 for use at mines where signals are required:

374 From the bottom to the top: One ring or whistle shall signify to hoist
 375 coal or the empty cage, and also to stop either when in motion.

376 Two rings or whistles shall signify to lower cage.

377 Three rings or whistles shall signify that the men are coming up; when
 378 return signal is received from the engineer, men will get on the cage and cager
 379 shall ring or whistle one to start.

380 Four rings or whistles shall signify to hoist slowly, implying danger.

381 Five rings or whistles shall signify accident in the mine and a call for
 382 a stretcher.

383 From top to bottom, one ring or whistle shall signify: All ready, get on
 384 cage.

385 Two rings or whistles shall signify: Send away empty cage.

386 *Provided*, that the operator of any mine may, with the consent of the in-
 387 spector, add to this code of signals in his discretion, for the purpose of increas-
 388 ing its efficiency or of promoting the safety of the men in said mine, but what-
 389 ever code may be established and in use at any mine, must be conspicuously
 390 posted at the top and at the bottom and in the engine room, for the informa-
 391 tion and instruction of all persons concerned.

392 Sec. 28. LIGHTS ON LANDINGS.] (b) Whenever the hoisting or lowering
 393 of men occurs before daylight or after dark, or when the landing at which
 394 men take or leave the cage is at all obscured by steam or otherwise, there
 395 must be maintained at such landing a large torch, lamp or an electric light.
 396 Likewise, as long as there are men underground in any mine, the operator shall
 397 maintain a large torch, lamp or an electric light at the bottom of the shaft

398 thereof, so that persons coming to the bottom may clearly discern the cage
399 and objects in the vicinity.

400 SPEED OF CAGES AND OTHER REGULATIONS.] (c) Cages on which men are
401 riding shall not be lifted nor lowered at a rate of speed greater than nine hun-
402 dred feet per minute, except with the written consent of the inspector. No
403 person shall carry any tools, timber or other materials with him on any cage
404 in motion, except for use in repairing the shaft, and no one shall ride on a
405 cage containing either a loaded or empty car. No cage having an unstable
406 or self-dumping platform shall be used for the carriage of men or materials,
407 unless the same is provided with some convenient device by which said plat-
408 form can be securely locked, and unless it is so locked whenever men or ma-
409 terials are being conveyed thereon. No coal shall be hoisted in any shaft while
410 men are being lowered therein.

411 STRETCHERS AND BLANKETS.

412 Sec. 30. At every mine where fifty men are employed underground, it
413 shall be the duty of the operator thereof to keep always on hand, and at some
414 readily accessible place on top, a properly constructed stretcher, a woolen
415 and water proof blanket, and a roll of bandages in good condition and ready
416 for immediate use for binding, covering and carrying any one who may be
417 injured at the mine. When 200 or more men are employed in any mine, two
418 stretchers and two woolen and two water proof blankets, with a correspond-
419 ing supply of bandages, shall be provided and kept on hand. At mines where
420 fire-damp is generated there shall also be provided and kept in store a suit-
421 able supply of linseed or olive oil, for use in case men are burned by an ex-
422 plosion. .

UNLAWFUL ACTS BY MINERS.

423

424 Sec. 31. It shall be unlawful for any miner, workman or other person
 425 knowingly or carelessly to injure any shaft, safety lamp, instrument, air-
 426 course or brattice, or other property, or to obstruct or throw open any air-way,
 427 or carry any open lamp or lighted pipe or fire in any form into any place
 428 worked by the light of safety lamps, or within five feet of any open powder,
 429 or to handle or disturb any part of the hoisting machinery, or open any door
 430 regulating an air-current and not close the same, or to enter any part of the
 431 mine against caution, or to use or have in his possession underground other
 432 than copper needles and copper-tipped bars, or to disobey any order given in
 433 pursuance of this Act, or to do any willful act whereby the lives or health of
 434 persons working in mines or the security of the mine or the machinery there-
 435 of is endangered.

436

DEFINITIONS.

437 Sec 34. MINE EXAMINER.] (*h*) The “mine examiner” is the person
 438 charged with the examination of the condition of the underground work-
 439 ings, as hereinbefore prescribed, before the miners are permitted to enter.

1 Introduced by Mr. Scott, by request, April 7, 1909.

2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend an Act entitled “An Act concerning the use of powder in coal mines,” approved and in force May 14, 1903, as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 3 of an Act entitled “An Act concern-
3 ing the use of powder in coal mines,” approved and in force May 14, 1903, as
4 amended by an Act approved May 24, 1907, in force July 1, 1907, be and the
5 same is hereby amended as follows:

6 Sec. 3. Each State mine inspector is hereby authorized, empowered and
7 instructed to prescribe for all coal mines in his district, a definition of what is
8 known as a “dead” hole. Each State mine inspector shall cause to be duly
9 posted at all coal mines in his district his definition of a “dead” hole; and from
10 and after the posting of such definition, no person shall drill or shoot a “dead”
11 hole as so defined.

- 1 Introduced by Mr. Scott, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend sections 16, 19 and 34 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899; as amended by an Act approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 16, 18 and 34 of an Act entitled, "An
3 Act to revise the law in relation to coal mines and subjects relating there-
4 to, and provide for the health and safety of persons employed therein," ap-
5 proved April 18, 1899, in force July 1, 1899; as amended by an Act approved
6 May 27, 1907, in force July 1, 1907, be and the same are hereby amended so as
7 to read as follows:

8 Sec. 16. HANDLING EXPLOSIVES.] (d) He shall give special attention to
 9 and instruction concerning the proper storage and handling of explosives in
 10 the mine, and concerning the time and manner of placing and discharging the
 11 blasting shots; and it shall be unlawful for any miner to fire shots excepting
 12 according to the rules of the mine or orders of the mine manager. In mines
 13 or parts of mines where the inspector shall require it, he shall see that all haul-
 14 age roads are thoroughly sprinkled as frequently as the inspector shall in writ-
 15 ing require. He must also see that the underground workings are examined as
 16 required by Sec. 18 hereof, and that all dangerous places above are properly
 17 examined, and that danger signals are displayed wherever required.

18 CARE OF ROPES, CAGES, ETC.] (e) The mine manager or superintendent must
 19 have special attention given to the condition of the hoisting ropes; they must be
 20 carefully and frequently scrutinized. Before the men are lowered in the morn-
 21 ing the soundness of the ropes must be tested by hoisting the cages. He must
 22 also have the cages, safety catches, pumps, sumps and stables examined fre-
 23 quently. He must also have the underground workings examined once each
 24 twenty-four hours prior to the men being allowed to go to work in the morning,
 25 and know that the top man and bottom man are on duty, and that a large torch,
 26 lamp or electric light is maintained at the bottom of the shaft when men are
 27 being hoisted or lowered, and at the top or surface landing when men are be-
 28 ing hoisted or lowered before daylight or after dark.

29 Sec. 18. TO ENTER AND EXAMINE ALL PLACES.] (a) A mine examiner shall
 30 be required at all mines. His duty shall be to visit the underground workings
 31 before the men are permitted to enter the same in the morning, and, first, he
 32 shall see that the air current is traveling in its proper course and in proper
 33 quantity. In order to correctly determine the quantity of air in circulation in
 34 different portions of the mine it is hereby made his duty to measure with an
 35 instrument for that purpose, the amount of air passing in the last cross-cut

or break through of each pair of entries, or in the last room of each division in a long wall mine, and at all other points where he deems it necessary, the same to be noted in the daily book kept for that purpose. He shall then inspect all passages and roadways through which men are expected to pass to and from their working places and observe whether there are any recent falls or obstructions therein, or other unsafe conditions. He shall especially examine the edges and accessible parts of recent falls therein and old gobs and air courses. He shall also examine said passages, roadways and air courses, and the working places for accumulations of gas. As evidence of his examination of the roadways leading to the working places and of his examination of said working places for accumulations of gas, he shall inscribe in a conspicuous place at said working places, according to the rules of the mine, with chalk, the month and day of the month for which the inspection is made.

To POST DANGER NOTICES.] (b) When roadways are discovered in which recent falls or any dangerous conditions exist, or when working places are discovered in which accumulations of gas exist, he shall place a conspicuous mark thereat as notice to all men to keep out and report his findings to the mine manager before men are allowed to enter the underground workings in the morning. No one shall be allowed to remain in any part of the underground workings through which gas in dangerous quantities is being carried into the vent therein except under the direction of the mine manager, until all conditions so reported to the mine manager shall have been made safe.

To MAKE DAILY RECORD.] (c) The mine examiner shall make a daily report of the conditions of the mine, as he has found it, in a book kept for that purpose, which shall be preserved in the office, or other convenient, accessible and safe place on top at the mine, for the information of the company, the inspector and all other persons interested, and this record shall be made each morning before the miners are permitted to descend into the mine.

65 Sec. 34. MINE EXAMINER.] (h) The "mine examiner" is the person
66 charged with the examination of the condition of the underground workings,
67 as hereinbefore prescribed, before the miners are permitted to enter.

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- 1 Introduced by Mr. Scott, by request, April 7, 1909.
 - 2 Read by title. ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 20 of an Act entitled "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 18 and 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 20 of an Act entitled "An Act to re-
3 vise the law in relation to coal mines and subjects relating thereto, and pro-
4 vide for the health and safety of persons employed therein," approved April
5 18, 1899, in force July 1, 1899, as amended by Acts approved May 18 and 25,
6 1907, in force July 1, 1907, be and the same is hereby amended so as to read
7 as follows:

8 Sec. 20. COPPER TOOLS. (c.) In process of charging and tamping a hole, no
9 person shall use any iron or steel pointed needle. The needle used in prepar-
10 ing a blast shall be made of copper and the tamping bar shall be tipped with

11 at least five (5) inches of copper. No coal nor any material that is inflammable,
 12 or that may create a spark, shall be used for tamping, and some soft material
 13 must always be placed next to the cartridge or explosive.

14 NOT MORE THAN ONE SHOT AT A TIME.] (e.) Not more than one shot shall
 15 be ignited at the same time in any one working place, unless the firing is done
 16 by electricity or by fuses of such length that the interval between the ex-
 17 plosions of any two shots shall be not less than one minute; and in no case shall
 18 any two or more shots be fired or lighted at once if either of such shots would
 19 be a dead hole, as defined by law, in case the shot next preceding it failed to
 20 explode or do its work properly. When successive shots are to be fired in any
 21 working place in which the roof is broken or faulty, the smoke must be allowed
 22 to clear away and the roof must be examined and made secure between shots.

23 UNDERCUTTING, SHEARING AND DRILLING.] Paragraph (g.) Paragraph (g),
 24 which now reads as follows: "DUSTY MINES. (g.) In case the galleries, road-
 25 ways or entries of any mine are so dry that the air becomes charged with dust,
 26 the operator of such mine must have such roadways regularly and thoroughly
 27 sprayed, sprinkled or cleaned," is hereby repealed, and the following is en-
 28 acted in place thereof:

29 "On and after April 1, 1910, no person shall ignite any shot in any room or
 30 entry until the coal has been properly sheared or under cut, and it shall be un-
 31 lawful to drill and charge any hole deeper than the undercutting or shearing:
 32 *Provided, however,* in mines where it is found impracticable to shear or under-
 33 cut by hand or machine, it shall be lawful to employ experienced men whose
 34 sole duty it shall be to drill and shoot the coal from the solid. In case of new
 35 mines in process of development, where the drilling and shooting does not
 36 fully employ the men, they may be employed at other work also.

-
- 1 Introduced by Mr. Scott, by request, April 7, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903, as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903, as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same is hereby amended as follows:

Sec. 1. That in all coal mines in this State, where coal is blasted, the quantity of powder to be used in the preparation of shots shall not, in any case, exceed three and one-third (3 1-3) standard chargers full of powder in coal seams five and one-half (5½) feet or over in thickness; and shall not, in any case, exceed two and one-half (2½) standard chargers full of powder in coal seams under five and one-half (5½) feet in thickness.

- 1 Introduced by Mr. Scott, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903; as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of an Act entitled, "An Act concerning the use of powder in coal mines," approved and in force May 14, 1903, as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same is hereby amended as follows:

6 Sec. 3. DRILLING DEAD HOLES AND TAMPING DRILL HOLES WITH COMBUSTIBLE
7 MATERIAL PROHIBITED.] No person shall drill or shoot a dead hole, as herein-
8 after defined. A "dead hole" is (a) a hole so drilled that a straight line
9 drawn at right angle to the line of the hole, from the inner end of the hole
10 would not pass out the open face of the coal within the distance prescribed

11 in paragraph next following. (b) Any hole so drilled that the distance at a
12 right angle, from any point in the line of such drill hole to the open face, shall
13 exceed, in coal seams, 36 inches in thickness or less, the full thickness of the
14 seam; in coal seams more than 36 inches and not exceeding 48 inches in thick-
15 ness, four-fifths of the thickness of the seam; in coal seams more than 48 inches
16 and not exceeding 60 inches in thickness, three-fourths of the thickness of the
17 seam; in coal seams more than 60 inches and not exceeding 90 inches in thick-
18 ness, two-thirds of the thickness of the seam; and in coal seams more than
19 90 inches in thickness, five feet. (c). Any hole drilled at an angle inclined
20 away from the line of the open face of the coal more than 25 degrees.

21 If the face of the coal is irregular, the line of the open face shall be con-
22 sidered and held to be a straight line drawn from the mouth of the drill hole
23 to the point at which a line drawn at a right angle to the drill hole, from the
24 inner end of said drill hole, would pass out of the open face of the coal.

1 Introduced by Mr. Findley, by request, April 7, 1909.

2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 19 of an Act entitled “An Act to revise the law in relation to coal mines and subjects relating thereto, and to provide for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 19 of an Act entitled “An Act to re-
3 vise the law in relation to coal mines and subjects relating thereto, and pro-
4 vide for the health and safety of persons employed therein,” approved April
5 18, 1899, in force July 1, 1899, as amended by an Act approved May 27, 1907,
6 in force July 1, 1907, be and the same is hereby amended so as to read as fol-
7 lows:

8 SELF-CLOSING DOORS.] (e.) All doors in mines, used in guiding and direct-
9 ing the ventilating currents, shall be so hung and adjusted as to close auto-
10 matically.

11 TRAPPERS.] (f.) At all doors through which three or more drivers are
12 hauling coal on any one shift an attendant shall be employed on said shift for
13 the purpose of opening and closing said doors when trips of cars are passing
14 to and from the workings. Places for shelter shall be provided at such door-
15 ways to protect the attendants from being injured by the cars while attending
16 to their duties: *Provided*, that in any or all mines, where doors are con-
17 structed in such a manner as to open and close automatically, attendants and
18 places for shelter shall not be required.

- 1 Introduced by Mr. Findley, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 19 of an Act entitled "An Act to revise the law in relation to coal mines and subjects relating thereto, and to provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 19 of an Act entitled "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by an Act approved May 27, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

8 SELF-CLOSING DOORS.] (e.) All doors in mines, used in guiding and directing the ventilating currents, shall be so hung and adjusted as to close automatically.

11 TRAPPERS.] (f.) At all doors through which three or more drivers are
12 hauling coal on any one shift an attendant shall be employed on said shift for
13 the purpose of opening and closing said doors when trips of cars are passing
14 to and from the workings. Places for shelter shall be provided at such door-
15 ways to protect the attendants from being injured by the cars while attending
16 to their duties: *Provided*, that in any or all mines, where doors are con-
17 structed in such a manner as to open and close automatically, attendants and
18 places for shelter shall not be required.

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- 1 Introduced by Mr. Findley, by request, April 7, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 8 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899; as amended by an Act approved May 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and provide for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899; as amended by an Act approved May 27, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

8 Sec. 8. UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS.]
9 (e) It shall be unlawful for the operator of any coal mine to employ, or suf-

fer to serve, as mine manager at his mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State: *Provided*, that whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may place any trustworthy and experienced man of the mine inspection district in charge of his mine to act as temporary mine manager for a period not exceeding seven days, and with the approval of the State Inspector of the district, for a further period of thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS.] (g) It shall be unlawful for the operator of any mine to employ, or suffer to serve, as mine examiner, any person who does not hold a certificate of competency issued by the Mining Board: *Provided*, that any one holding a mine manager's certificate may serve as mine examiner; and, whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine examiner, he may employ any trustworthy and experienced man of the mine inspection district to act as temporary mine examiner for a period not exceeding seven days; and, with the approval of the State Inspector of the district, for a further period of thirty days. The employment of persons who do not hold certificates as mine managers, hoisting engineers and mine examiners, shall in no case exceed the limit of time specified herein, and the State Inspector shall not approve of the employment of such persons beyond the thirty-day limit.

- 1 Introduced by Mr. Findley, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to amend section 20 of an Act entitled “An Act to revise the law in relation to coal mines and subjects relating thereto, and to provide for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 18 and 27, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 20 of an Act entitled “An Act to revise the law in relation to coal mines and subjects relating thereto, and to provide for the health and safety of persons employed therein,” approved April 18, 1899, in force July 1, 1899, as amended by Acts approved May 18 and 27, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

Sec. 20. STORING EXPLOSIVES.] (1st paragraph.) No blasting powder, or other explosives shall be stored in any coal mine and no workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor

10 more than three pounds of high explosives, and in no case shall more than
11 one kind of explosive be used in any one drill hole: *Provided*, that nothing in this
12 section shall be construed to prevent the operator of any mine from taking
13 into the mine, when miners are not therein, and in electrically equipped mines,
14 while the current is turned off on roadways through which it is transported, a
15 sufficient quantity of powder for the reasonable requirements of such mine for
16 the next succeeding working day. It shall be unlawful for any person to carry
17 blasting powder into the mine or have it in his possession, except in manufac-
18 turers' kegs or in proper powder can made for the purpose with a tight fitting
19 sleeved cap or a screwed stopper; and no man shall carry blasting powder on
20 any cage while men are being hoisted or lowered.

- 1 Introduced by Mr. Lyon, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Canal, River Im-
provements and Commerce.

A BILL

For an Act to authorize the city of Carmi, White county, Illinois, to construct a
dam across the Little Wabash river, for sanitary purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the city of Carmi, White county, Illinois, is
3 hereby authorized and empowered to construct and maintain a dam across the
4 Little Wabash river at such point as said city may determine, not less than one
5 mile, and not more than four miles below said city.

Sec. 2. Said dam shall not be constructed or maintained at a greater height
2 above the bottom of the river where erected than seven feet.

-
- 1 Introduced by Mr. Kowalski, April 7, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act requiring that boots and shoes made in certain parts of substitutes for leather, and boots and shoes made by "convict or prison labor" to be stamped, and providing a penalty for failure to so stamp.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* It shall be unlawful within this State for any per-
3 son, persons or corporation to use in manufacturing any boot or shoe, a
4 counter, heel, in-sole, out-sole, middle-sole or slip-sole made in whole or in part
5 of leather-board, straw-board, leatheroid, fibre-board, horn-fibre, pate or any
6 other substitute for leather whatsoever, without clearly, legibly and in the Eng-
7 lish language stamping with a metal die in plain view upon the outside of
8 the out-sole of the boot or shoe where and by whom such boot or shoe was made
9 and what substitute for leather, if any, has been used; and in the same way
10 designating each part where such substitute, if any, has been used, whether in
11 the counter, heel, in-sole, out-sole, middle-sole or slip-sole.

Sec. 2. That it shall be unlawful within this State for any person, persons or corporation to sell, offer or expose for sale, any boot or shoe with a counter, heel, in-sole, out-sole, middle-sole or slip-sole, made in whole or in part of leather-board, straw-board, leatheroid, fibre-board, horn-fibre, pate or any substitute for leather whatsoever, without clearly, legibly and in the English language stamping with a metal die in plain view upon the outside of the out-sole of the boot or shoe, where and by whom such boot or shoe was made and what substitute for leather, if any, has been used; and in the same way designating each part where such substitute, if any, has been used, whether in counter, heel, in-sole, out-sole, middle-sole or slip-sole: *Provided, however, that* all manufacturers or dealers who may have on hand when this Act shall become a law any boots or shoes that are not stamped as required in this Act, must, when offering such boots or shoes for sale, affix to the outer sole in plain view of the purchaser, a label, printed clearly and legibly and in the English language, designating what substitute or substitutes for leather are used, if any, whether in the counter, heel, in-sole, out-sole, middle-sole or slip-sole.

Sec. 3. This Act shall not be construed to apply to what is commonly known as a rubber boot or shoe, or to the use of a rubber heel on a boot or shoe; nor shall anything in this Act be construed to apply to the use of steel, wood or other substance as an inside filler in the shank of a boot or shoe; nor shall anything in this Act be construed to apply to the use of cork or cement between the soles of a boot or shoe.

Sec. 4. It shall be unlawful within this State for any person, persons or corporation to sell, or offer for sale, any boot or shoe made by convict or prison labor, without clearly and legibly and in the English language, stamping with a metal die in plain view upon the outside of the out-sole of the boot or shoe

5 the following words, "Made by Convict Labor": *Provided, however,* that all
6 manufactures or dealers who may have on hand when this Act shall become
7 a law any boots or shoes made by "convict or prison labor" that are not
8 stamped as required in this Act, must, when offering such boots or shoes for
9 sale, affix to the outer sole in plain view of the purchaser, a label, printed
10 clearly and legibly and in the English language, reading as follows: "Made
11 by Convict Labor."

Sec. 5. Any person, persons or corporation who shall violate any of the
2 provisions of this Act shall be guilty of a misdemeanor; and for such offense
3 shall, upon conviction thereof, be fined not less than ten dollars and not to
4 exceed two hundred dollars; and for each subsequent offense and conviction
5 thereof shall be fined not less than two hundred dollars and not to exceed five
6 hundred dollars, in the discretion of the court.

- 1 Introduced by Mr. Beck, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Manufactures.

A BILL

For an Act to define gift enterprises and to provide a penalty for carrying on the
same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* All gift enterprises, as hereinafter defined, and all
3 trade practices carried on in connection therewith are hereby prohibited and
4 declared to be unlawful.

Sec. 2. Whenever two or more persons enter into any contract, arrange-
2 ment or scheme, whereby for the purpose of inducing the public to purchase
3 merchandise or other property of one of the parties to said scheme, any other
4 party thereto, for a valuable consideration and as a part of such scheme, ad-
5 vertises and induces or attempts to induce the public to believe that he will
6 give gifts, premiums or prizes to persons purchasing such merchandise or

7 other property of such other party to said scheme, and that stamps or
8 tickets will be given by the seller in connection with such sales, entitling the
9 purchaser of such property to receive such prizes or gifts from any other
10 party to such scheme, the parties so undertaking and carrying out such
11 scheme shall be deemed to be engaged in a "gift enterprise," unless the arti-
12 cles or things so promised to be given as gifts or premiums with or on ac-
13 count of such purchases, shall be definitely described on such stamp or ticket
14 and the character and value of such promised prize or gift fully made known
15 to the purchaser of such merchandise or other property at the time of the sale
16 thereof, and unless the right of the holder of such stamp or ticket to the gift
17 or premium so promised, becomes absolute upon the completion of the deliv-
18 ery thereof, without the holder being required to collect any specified number
19 of other similar stamps or tickets and to present them for redemption together,
20 and the right of the holder of such stamp or ticket to the prize or gift so of-
21 fered is absolute, and does not depend on any chance, uncertainty or contin-
22 gency whatever.

Sec. 3. Any person who engages in a gift enterprise, such as is defined
2 in this Act, or who advertises the same in any manner; or who, in further-
3 ance of such scheme, as an inducement to purchasers issues, in connection with
4 the sale of any merchandise or other property, any such ticket or stamp, pur-
5 porting to be redeemable in some indefinite article not described thereon, only
6 when presented with a collection of other stamps or tickets of like kind, by
7 some other party to such scheme, and which unless presented in the manner
8 aforesaid, is not redeemable at all, shall each and all be guilty of a misde-
9 meanor, and upon conviction thereof, shall be fined not exceeding two hun-
10 dred dollars, or imprisoned in the county jail not exceeding six months, or
11 both, in the discretion of the court.

Sec. 4. The word "person," as used in this Act, may, in proper cases in
2 order to make the intent and meaning of the law effective, be construed to
3 mean firm or corporation.

- 1 Introduced by Mr. Parker, by request, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make appropriations for ordinary and other expenses of the Illinois
State Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the following amounts, or so much thereof as
3 may be necessary, be and the same are appropriated to the Illinois State Peni-
4 tentiary at Joliet, for the purpose hereinafter named, and no other:

5 For expense of operating and maintaining the woman's prison, ten thou-
6 sand (10,000) dollars per annum.

7 The Auditor of Public Accounts is hereby authorized to draw his warrant
8 upon the State Treasurer for the moneys hereinbefore appropriated, upon the
9 order of the Board of Commissioners of said penitentiary, signed by the presi-
10 dent and attested by the secretary, with the seal of said institution attached,
11 and approved by the Governor.

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- 1 Introduced by Mr. H. W. Wilson, April 7, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Mines and Mining.

A BILL

For an Act to regulate the manner of discharging explosives in coal mines and providing for the health and safety of persons employed therein.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That within one year after the passage of this Act,
3 all owners, lessees and other persons operating coal mines in this State, where
4 shooting and blasting is done by powder or other explosives, shall equip each
5 and every coal mine, operated by them at their expense, with one or more me-
6 chanical shot-firing machines or devices, so constructed, arranged and devised
7 that all shots set for firing in any such coal mine may be fired by means of such
8 mechanical shot-firing machine or device by an operator in charge and control
9 thereof from the top of such mine.

Sec. 2. That the mechanical shot-firing machine or device, installed in all
2 such mines operated within this State, shall be so arranged, constructed and de-

3 vised that such machine or device will fire all shots set for firing in such mine
 4 not faster than one-half minute between each shot, and no succeeding in any
 5 one working place shall be fired in less than ten minutes after the last shot is
 6 fired in said working place, and shall be equipped with a dial or other device
 7 which will make a true record of all shots which fire and all shots which fail to
 8 fire, and the reasons why such shots so set for firing fail to fire, with the desig-
 9 nation of the entry or room in which the same were set for firing and said dial
 10 or other device shall also be placed in the appropriate place chosen at top of
 11 mine. It is hereby made the duty of the operator in charge of and operating
 12 such machine or device, immediately after the firing of all shots set for firing in
 13 any such mine, to make a true and complete record in a book to be provided by
 14 the owner, lessees or other person operating such mine, showing the number of
 15 shots set for firing, the number of shots which fired and the number of shots
 16 which failed to fire at the same time, with the number of entry and room in which
 17 the same were set for firing and the reason why such shots failed to fire; and
 18 such operator shall post, in a conspicuous place, at the top of such mine, a
 19 copy of the record made at the close of the day for the inspection of all per-
 20 sons interested therein which copy shall remain posted for a period of at least
 21 twenty-four (24) hours.

Sec. 3. That all such mechanical shot-firing machines or devices when in-
 2 stalled, shall be in charge of, operated, managed and controlled by a competent
 3 and experienced person to be known as the "Operator," whose duty shall be, be-
 4 fore firing the shots set for firing, to ascertain that all persons are out of such
 5 mine.

Sec. 4. For the more sufficient carrying out of the provisions of this Act,
 2 every miner employed in mining or preparing shots shall report at the top of each
 3 mine on a bulletin board prepared for that purpose, the number of shots pre-
 4 pared in his room or working place.

Sec. 5. Any wilful neglect, refusal or failure to do the things required to be
2 done by any section, clause or provision of this Act on the part of the person
3 or persons herein required to do them, or any violation of any of the provisions
4 or requirements hereof, or any attempt to obstruct or interfere with any person
5 in the discharge of the duties herein imposed upon them or any refusal to com-
6 ply with the provisions of this Act, shall be deemed a misdemeanor, punishable
7 by a fine not less than one hundred dollars and not to exceed two hundred dollars
8 or by imprisonment in the county jail for a period not exceeding three months,
9 or both, at the discretion of the court.

- 1 Introduced by Mr. Bush, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to amend section 4 of an Act entitled, “An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties,” approved April 13, 1871, in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 4 of an Act entitled, “An Act to establish a Board of Railroad and Warehouse Commissioners and prescribe their powers and duties,” approved April 13, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows:

6 Sec. 4. Each of said commissioners shall receive for his services the sum
7 of \$3,500.00 per annum, payable quarterly. They shall be furnished with an
8 office, office furniture and stationery, at the expense of the State, and shall have
9 power to appoint a secretary to perform such duties as they shall assign to

10 him. Said secretary shall receive for his services the sum of \$3,500.00 per
11 annum. The office of the said commissioners shall be kept at Springfield and
12 all sums authorized to be paid by this Act shall be paid out of the State treas-
13 ury and only on the order of the Governor.

AMENDMENT TO

46th Assem.

HOUSE—No. 570

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 570 by inserting in line seven of the original bill after the words “per annum” the following: “The assistant secretary of such board of commissioners shall receive for his services the sum of \$2,500.00 per annum.”

1913 年

1913 年 12 月 11 日

1913 年 12 月 11 日

- 1 Introduced by Mr. Murray, April 7, 1909.
- 2 Read by title, ordered printed and to lie on Speaker's table.

A BILL

For an Act to amend an Act entitled, "An Act requiring compensation for causing death by wrongful act, neglect or default," approved February 12, 1853, in force February 12, 1853; as amended by Act approved May 13, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act requiring compensation for causing death by wrongful act, negligence or default," approved February 12, 1853, in force February 12, 1853; as amended by an Act approved May 13, 1903, in force July 1, 1903, be amended to read as follows:

Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of

10 such deceased person, and shall be distributed to such widow and next of kin
11 in the proportion provided by law. In relation to the distribution of personal
12 property left by persons lying intestate, and in every such action the jury may
13 give such damages as they shall deem a fair and just compensation, with ref-
14 erence to the pecuniary injuries resulting from such death to the wife and next
15 of kin of such deceased person, not exceeding the sum of ten thousand dollars:
16 *Provided*, that every such action shall be commenced within one year after the
17 death of such person.

- 1 Introduced by Mr. E. J. Murphy, April 7, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend "An Act to amend section 42i of an Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by Act approved June 10, 1897, in force July 1, 1897, approved May 15, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act to amend section 42i of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by Act approved June 10, 1897, in force July 1, 1897, approved May 15, 1903, in force July 1, 1903, be and the same hereby is amended so as to read as follows:

Sec. 2. That any person who shall knowingly and without good cause violate any of the provisions of the foregoing section by denying to any citizen,

9 except for reasons applicable alike to all citizens of every race and color; and
10 regardless of color or race, the full enjoyment of any of the accommodations,
11 advantages, facilities or privileges in said sections enumerated, or by aiding or
12 inciting such denial, shall, for every such offense, forfeit and pay a sum of not
13 less than twenty-five dollars (\$25.00), nor more than five hundred dollars
14 (\$500.00) to the person aggrieved thereby, to be recovered in any court of com-
15 petent jurisdiction in the county where said offense was committed, and shall
16 also, for every such offense, be deemed guilty of a misdemeanor, and upon con-
17 viction thereof, shall be fined not to exceed five hundred dollars (\$500.00), or
18 shall be imprisoned for not more than one year, or both: *And, provided, further,*
19 *that a judgment in favor of the party aggrieved, or punishment upon indict-*
20 *ment, shall be a bar to either prosecution respectively.*

1 Introduced by Mr. Foster, April 7, 1909.

2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act entitled, "An Act to amend sections one (1), two (2), six (6), eight (8), nine (9), ten (10), sixteen (16), seventeen (17), twenty-five (25), twenty-seven (27), twenty-eight (28), twenty-nine (29) and thirty-one (31) of an Act entitled 'An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto,' approved April 28, 1903, in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one (1), two (2), six (6), eight (8),
3 nine (9), ten (10), sixteen (16), seventeen (17), twenty-five (25), twenty-seven
4 (27), twenty-eight (28), twenty-nine (29) and thirty-one (31) of an Act entitled
5 "An Act for the protection of game, wild fowl and birds, and to repeal certain
6 Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as
7 amended by an Act approved May 18, 1905, in force July 1, 1905, be and the
8 same is hereby amended to read as follows:

9 Sec. 1. It is hereby declared to be unlawful to hunt, kill, net, entrap, en-
 10 snare, destroy, or attempt to hunt, kill, net, entrap, ensnare or destroy, or have
 11 in possession, any quail from the 10th day of December to the 10th day of No-
 12 vember (both inclusive) of each succeeding year; or any ruffed grouse (part-
 13 ridge), pinnated grouse (prairie chickens), Mexican blue quail, California
 14 mountain quail, California valley quail, Hungarian partridge, Capercailzie or
 15 heath grouse (black grouse), for the period of four years from and after July
 16 1, 1907; or any woodcock or mourning dove, from the 30th day of November to
 17 the first day of August (both inclusive) of each succeeding year; or any gray,
 18 red, fox or black squirrel, from the 15th day of November to the first day of July
 19 (both inclusive) of each succeeding year; *or any of the order of the Limicolae*
 20 *or shore birds*, commonly known as Jack snipe, Wilson's snipe, sand snipe, or
 21 any kind of snipe, or any golden plover, upland plover, or any kind of plover,
 22 from the first day of May to the first day of September (both inclusive) of any
 23 year, *nor more than fifteen by one person in one day*. And it shall be unlawful
 24 to kill, hunt, ensnare, entrap, or attempt to kill, hunt, ensnare, entrap, or other-
 25 wise destroy any wild goose, duck, brant, coot (mud hen), rail, or other water
 26 fowl, at any time from the fifteenth day of April to the first day of September
 27 (both inclusive) of each year: *Provided, it shall be unlawful to kill wood*
 28 *ducks at any time of the year, from the first day of July, 1909, to the first day of*
 29 *July, 1913*. And it shall be unlawful to hunt, kill, entrap, ensnare or attempt
 30 to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, duck, brant,
 31 coot, rail or other water fowl, between the sunset of any day and the sunrise of
 32 next succeeding day, at any period of the year. And it shall further be unlaw-
 33 ful at any time to hunt, kill, entrap, ensnare, or attempt to hunt, kill, entrap or
 34 ensnare or otherwise destroy any wild goose, brant, duck, coot, rail or other water
 35 fowl, from any fixed or artificial ambush beyond the lines of natural covering
 36 of reeds, canes, willows, flags, crooked brush, wild rice, or other vegetation

37 above the water of any lake, river, bay or inlet, or other water course wholly
38 within the State, *or any other water course bordeing on the State of Illinois,*
39 *to the middle of the channel thereof;* or with the aid or use of any device com-
40 monly called sneak boat, sink box, or other device for the purpose of conceal-
41 ment in the open waters of this State, *or in any other water courses bordering*
42 *on the State of Illinois, to the middle of the channel thereof.* And it shall fur-
43 ther be unlawful to shoot, kill or destroy, *or attempt to shoot, kill or destroy,*
44 any wild goose, duck, brant, coot, rail, or other water fowl, with a swivel gun,
45 or from any sailboat, gasoline or electric launch, or steamboat, at any time in
46 any part of the water of any lake, river, bay or inlet, or other water course
47 wholly within this State, *or any other water courses bordering on the State*
48 *of Illinois, to the middle of the channel thereof: Provided,* that it shall be un-
49 lawful to kill, entrap, ensnare, or otherwise destroy any of the duck, geese, brant,
50 coot, rail or other water fowl, *or any of the order of the Limicolae or shore*
51 *birds, commonly known as Jack snipe, Wilson's snipe, sand snipe, or any kind*
52 *of snipe, or any golden plover, upland plover, or any kind of plover, men-*
53 *tioned in this section, at any time, for market or other commercial purposes,*
54 *nor more than fifteen duck, ten geese, ten brant, twenty coots, twenty rails, or*
55 *other water fowl, by one person in one day. Any person or persons so offend-*
56 *ing shall, for each and every offense, be deemed guilty of a misdemeanor, and*
57 *on conviction shall be fined in any sum not less than fifteen nor more than*
58 *fifty dollars and costs of suit, and shall stand committed to the county jail*
59 *until such fine and costs are paid: Provided,* that such imprisonment shall not
60 exceed ten days, and the killing of each bird or animal herein specified shall
61 be deemed a separate offense: *Provided,* that nothing in this section shall be
62 construed to prevent the State Game Commissioner or his wardens or depu-
63 ties from hunting, ensnaring or entrapping any of the game birds or animals
64 in this section *mentioned,* and transmitting them to other sections of the State

65 where a scarcity of these game birds or animals exists, for the purpose of
 66 propagating and restocking said sections of the State: *And, provided, further,*
 67 that before hunting, ensnaring or entrapping, said State Game Commissioner,
 68 his wardens or deputies, must first obtain the consent in writing of the tenant
 69 or land owners from whose premises said game birds and animals are taken.

70 Sec. 2. It shall be unlawful for any person to buy, sell or have in his
 71 or her possession any of the animals, wild fowl or birds mentioned in sec-
 72 tion 1 of this Act, at any time when the killing, trapping, netting and en-
 73 snaring of such animals, wild fowl or birds shall be unlawful. And it shall
 74 further be unlawful for any person or persons at any time to buy, sell or ex-
 75 pose for sale, or to have in his or their possession for the purpose of selling,
 76 any wild duck, goose, brant, *shore bird*, *Bob White quail*, Mexican blue quail,
 77 California mountain quail, California valley quail, Hungarian partridge, Ca-
 78 percailzie, Heath grouse (black grouse), ruffed grouse or partridge, gray, red-
 79 fox or black squirrel, or wild turkey, except that they shall have been im-
 80 ported from other states as hereinafter provided for, and then only between
 81 the first day of October and the first day of February of the following year.
 82 And it shall further be unlawful for any person, corporation or carrier to
 83 receive for transportation, to transport, carry or convey any of the aforesaid
 84 quail, pinnated grouse or prairie chicken, ruffed grouse or partridge, squirrel,
 85 duck, goose, brant, *shore birds*, Hungarian partridge, Capercailzie, Heath
 86 grouse (black grouse) or wild turkey, that shall have been caught, ensnared,
 87 entrapped or killed within the limits of this State; and it shall be *prima facie*
 88 evidence that the having in possession of the aforesaid game birds or animals,
 89 that the same were caught, ensnared, entrapped or killed within the limits of
 90 this State; or to transport, carry or convey the same to any place where it
 91 is to be sold or offered for sale, or to any place outside of this State, for any
 92 purpose, except such person have a license from this State so to do. And any

93 person guilty of violating any of the provisions of this section shall be guilty
94 of a misdemeanor and on conviction thereof shall be fined not less than twenty-
95 five dollars nor more than one hundred dollars for each and every offense,
96 and shall stand committed to the county jail not exceeding ten days, or until
97 such fine and costs are paid: *Provided*, that the buying, selling or exposing
98 for sale, transporting or carrying and conveying contrary to the provisions of
99 this section, of each and every animal or bird forbidden herein, shall be deemed
100 a separate offense.

101 Sec. 6. No person or persons shall buy, sell or expose for sale, or have
102 in his or their possession for the purpose of selling, or exposing for sale,
103 any of the animals, wild fowl or birds mentioned in section 1 of this Act
104 after the expiration of five days next succeeding the first day of the period
105 in which it shall be unlawful to kill, entrap or ensnare such animals, wild
106 fowl or birds; nor shall any of such animals, wild fowl or birds be sold or
107 offered for sale during the first two days of the open season. Any person
108 so offending shall, on conviction, be fined and dealt with as specified in sec-
109 tion 1 of this Act, and the buying, selling or exposing for sale, or having the
110 same in possession for the purpose of selling, or exposing for sale, any of
111 the animals or birds mentioned in this section after the expiration of the time
112 mentioned in this section, shall be *prima facie* evidence of the violation of
113 this Act: *Provided*, that the provisions of this section shall not apply to the
114 killing of birds by or for the use of taxidermists for preservation either in
115 public or private collections, if so preserved: *Provided, further*, that nothing
116 contained in this section shall be construed as modifying or being in conflict
117 with section 2 of this Act, or authorizing or legalizing the sale or exposing
118 for sale, transportation, or receiving for transportation, any of the animals,
119 birds or game as therein prohibited: *And, provided, also*, that the inhabit-
120 ants of this State may receive game from other states, *legally killed, en-*

121 *trapped or ensnared*, and expose and sell the same on the market between the
122 first day of October and the first day of February of each year.

123 Sec. 8. All prosecutions under the provisions of this Act, except as other-
124 wise herein provided, shall be brought by any person in the name of the
125 People of the State of Illinois against any person or persons violating any
126 of the provisions of this Act, before any justice of the peace of any county,
127 (and said justice may, on proper evidence of guilt, bind said violator over to
128 the grand jury), or before any court of competent jurisdiction; and it is
129 hereby made the duty of the State's attorneys to see that the provisions of
130 this Act are enforced in their respective counties; and they shall prosecute
131 all offenders on receiving information of the violation of any of the provi-
132 sions of this Act; and it is made the duty of the sheriff, constable and police
133 officers to inform against all persons whom there is a probable cause to believe
134 are guilty of violating any of the provisions of this Act; one-half of the
135 amount recovered in any penal action under the provisions of this Act shall
136 be paid to the person filing the complaint in such action, and the remaining
137 one-half to the game protection fund.

138 Sec. 9. All prosecutions under this Act shall be commenced within *one*
139 *year* from the time such offense was committed, and not afterward.

140 Sec. 10. That it shall be unlawful for any person in the State of Illinois,
141 for and during the period of ten years from the passage of this Act, to in-
142 jure, take, kill, expose or offer for sale, or have in possession, except for
143 breeding purposes, any wild buck, doe or fawn: *Provided*, that any person
144 who breeds and raises deer for market, where the same has been bred and
145 raised within an enclosure, may kill and sell the same, *from October 1st to*
146 *February 1st*; and for six years from and after the first day of July, 1907,
147 any wild turkey, English ring-neck pheasant, Chinese ring-neck pheasant,

148 green Japanese pheasant, copper pheasant, Soemmering pheasant, Tropic-
 149 pheasant, silver pheasant, golden pheasant, Reeves pheasant, Elliott pheasant,
 150 Hungarian pheasant, Swinhoe pheasant, Amherst pheasant, Melanote pheasant,
 151 Impeyan pheasant, Argus pheasant; or any Cacabis and Chucker partridge, or
 152 any sand grouse and black Indian partridge: *Provided*, that cock pheasants
 153 may be killed and sold from the first day of November to the *first day of*
 154 *February* of each and every year, by the breeders thereof, upon a permit
 155 issued to them by the State Game Commissioner. Any person violating the
 156 provisions of this section shall be deemed guilty of a misdemeanor, and upon
 157 conviction, shall be punished by a fine of not less than fifty dollars nor more
 158 than one hundred dollars, and in default of the payment of the fine imposed
 159 shall be imprisoned in the county jail at the rate of one day for each dollar
 160 of the fine imposed. The one-half of all the fines imposed and collected under
 161 this Act shall be paid to the informer, and the balance shall be paid to the
 162 State Game Protection Fund.

163 Sec. 16. In order that the provisions of this Act may be more fully car-
 164 ried out, the Governor of the State shall appoint one State Game Commis-
 165 sioner, whose term of office shall be for the period of incumbency of the
 166 Governor appointing him, or until his successor is appointed, whose duty it
 167 shall be to secure the enforcement of all the statutes of the State for the pres-
 168 ervation of game and birds, or bring or cause to be brought actions and pro-
 169 ceedings in the name of the People of the State of Illinois to recover any
 170 and all fines and penalties provided for in such laws relating to game and
 171 birds, and to prosecute all violators of said statutes. The State Game Com-
 172 missioner is empowered to appoint, by and with the approval of the Gov-
 173 ernor, sixteen game wardens, who shall have no other employment or busi-
 174 ness. They shall devote their entire time to the work of game protection.
 175 and shall travel over the State in all seasons for this purpose, under the di-

176 rection of the State Game Commissioner. Such appointment shall be for effi-
177 cient service only, and regardless of political influence. The State Game
178 Commissioner is also authorized to appoint *two* deputy game wardens for
179 each county of the State, and as many special deputy game wardens as in
180 his opinion is necessary for the proper enforcement of the law. They shall
181 have authority, with the State Game Commissioner, in the enforcement of the
182 game laws of the State, relative to game and birds throughout the State,
183 and shall be immediately responsible to the State Game Commissioner, and
184 shall report to, and receive their instructions from, him. Such game war-
185 dens and deputy game wardens shall be subject to removal by the State
186 Game Commissioner at any time.

187 Sec. 17. Such State Game Commissioner, game wardens and their depu-
188 ties, shall have full power to execute and serve all warrants and processes
189 of law, issued by any justice of the peace or police magistrate, or by any
190 court having jurisdiction under the law relating to the game, in the same
191 manner as any constable may serve and execute such processes, and may
192 arrest on sight, and without warrant, any person detected by them actually
193 violating any of the provisions of the laws of the State relating to game and
194 birds, and may take such person so offending before any court having jur-
195 isdiction of the offense, and make proper complaint before such court, which
196 shall proceed with the case in the manner and form provided by the law for
197 misdemeanors. It shall further be the duty of such State Game Commis-
198 sioner, game wardens or their deputies, upon receiving any information that
199 any law relative to game and birds has been violated, to immediately cause
200 a thorough examination of such complaint to be made, and to cause proceed-
201 ings to be instituted if the proof at hand warrants; and all sheriffs, deputy
202 sheriffs, coroners and police officers of the State shall, each and every one of
203 them, assist the State Game Commissioner, game wardens and their deputies,

204 in the enforcement of the State game law, the same as it is their duty to assist
205 in the enforcement of other laws, and such State Game Commissioner, game
206 wardens and deputy game wardens shall seize on sight, without process, any
207 game found in the possession of any person or corporation which is so in
208 possession contrary to law.

209 Sec. 25. For the purpose of increasing the State Game Protection Fund,
210 and preventing unauthorized persons from killing game and birds, no person
211 or persons shall, at any time, hunt, pursue or kill with gun, rabbits, crows, or any
212 of the wild animals, fowl or birds that are protected during any part of the
213 year, without first having procured a license so to do, and then only during
214 the respective periods of the year when it shall be lawful. Said license shall
215 be procured from any county, city or village clerk in the following manner,
216 to-wit: The applicant shall fill out a blank application, to be furnished by the
217 State Game Commissioner to the clerk of each county, city or village, stat-
218 ing name, age, occupation and place of residence of applicant; said applica-
219 tion shall be subscribed and sworn to by the applicant before said county, city
220 or village clerk; and it is hereby expressly provided that if said county, city
221 or village clerk fails to administer the oath as herein provided, or ante-dates
222 any license, he shall be subject to the fine herein provided for each and every
223 offense, the same to be recovered in any court of competent jurisdiction. And
224 said applicant, if a non-resident of the State of Illinois, shall pay to the
225 county clerk the sum of fifteen dollars as a license fee, together with the sum
226 of fifty cents as the fee of said county clerk for administering the oath to the
227 applicant and issuing said license; and if a resident of the State of Illinois,
228 shall pay to the county, city or village clerk the sum of seventy-five cents as
229 a license fee together with the sum of twenty-five cents as the fee of said
230 county, city or village clerk for administering the oath to the applicant and
231 issuing said license. Said license shall bear the signature of the State Game

232 Commissioner and the seal of the county, city or village in which the same
 233 is issued, and be countersigned by the said clerk. And such licensee, if a non-
 234 resident, is hereby authorized to take from the State, *not to exceed in the*
 235 *aggregate*, fifty birds, of all kinds, killed by himself or herself, which shall be
 236 carried openly for inspection, together with his or her license. The number
 237 of game birds or animals that may be killed in any one day by one person
 238 is hereby limited to twenty ducks, *ten geese, ten brant, twenty coots, twenty*
 239 *rails*, or other water fowl. *The number of the Limicolae or shore birds that*
 240 *may be killed by one person in one day is hereby limited to fifteen*, and fifteen
 241 game birds of any other one kind, except ruffed grouse (partridge), pinnated
 242 grouse (prairie chicken), Mexican blue quail, California valley quail, Cali-
 243 fornia mountain quail, wild turkey, English ring-neck pheasants, Chinese ring-
 244 neck pheasants, green Japanese pheasants, copper pheasants, Soemmering
 245 pheasants, Tropagon pheasants, silver pheasants, golden pheasants, Reeves
 246 pheasants, Elliott pheasants, Hungarian pheasants, Swinhoe pheasants, Am-
 247 herst pheasants, Melanote pheasants, Impeyan pheasants, and Argus pheas-
 248 ants. The number of *mourning doves and squirrels* that may be killed in any
 249 one day by one person is hereby limited to fifteen.

250 The license fees above provided for shall be paid by the said clerks to
 251 the State Treasurer at the end of each month, and shall be placed to the
 252 credit of a fund to be known as the State Game Protection Fund, and shall
 253 be disbursed by the State Treasurer on vouchers certified to by the State
 254 Game Commissioner, and approved by the Governor, and filed with the Aud-
 255 itor of Public Accounts, who shall draw his warrant therefor on the State
 256 Treasurer.

257 Every license shall be signed by the licensee in ink, and, as aforesaid,
 258 shall entitle the person to whom issued to hunt, pursue and kill game within
 259 the State at any time when it shall be lawful to hunt, pursue and kill such
 260 game, and no person to whom a license has been issued shall be entitled to

261 hunt, pursue or kill game, *crows* or rabbits in this State without, at the time
262 of such hunting, pursuing and killing of game, he or she shall have such li-
263 cense in his or her name and upon his or her person, ready to exhibit the
264 same for inspection, and such license shall be void after the first day of June
265 next succeeding its issuance: *Provided*, that the owner or owners of farm
266 lands, their children (*if residents of the State*), or tenants shall have the
267 right to hunt and kill game on the farm lands of which he or they are the
268 *bona fide* owners or tenants, during the season when it is lawful to kill game,
269 without procuring such resident license.

270 Any person found guilty of violating any of the provisions of this sec-
271 tion shall be deemed guilty of a misdemeanor, and upon conviction thereof
272 shall be fined in any sum not less than twenty-five dollars, nor more than
273 fifty dollars, for each and every offense, and shall stand committed to the
274 county jail until such fine and costs are paid, but such imprisonment shall
275 not exceed thirty days for each offense; or such person may be proceeded
276 against in an action of debt in the name of the People of the State of Illinois
277 for the recovery of the penalty herein prescribed.

278 Sec. 27. All prosecutions for the violations of the provisions of the Act
279 relating to license shall be brought by any person in the name of the People
280 of the State of Illinois, against any person or persons violating any of the
281 provisions of this Act, so far as it relates to licenses, before any court of
282 competent jurisdiction; and it is hereby made the duty of all State's attor-
283 neys to see that the provisions of this Act are enforced in their respective
284 counties, and they shall prosecute all offenders on receiving information of the
285 violation of any of the provisions of this Act; and it is made the duty of all
286 sheriffs, deputy sheriffs, constables and police officers to inform against all
287 persons whom there is a reasonable cause to believe are guilty of violating
288 any of the provisions of this Act; one-half of the amount recovered in any

289 penal action under this Act, in so far as it relates to license, shall be paid
290 to the person filing the complaint in such action, and the remaining one-half
291 to the State Game Protection Fund; the moneys for such fund shall be by
292 the magistrate or court before whom the case is tried at once transmitted to
293 the State Treasurer, and placed by him to the credit of said fund.

294 Sec. 28. It shall be unlawful for any person to hunt with gun or dogs,
295 *or allow their dogs to hunt*, within or upon the grounds or lands of another
296 without first obtaining from the owner, agent or occupant of such lands or
297 grounds his, her or their permission so to do.

298 Sec. 29. Any person or persons violating section 28 of this Act shall be
299 deemed guilty of a misdemeanor, and may be prosecuted in the name of the
300 People of the State of Illinois before any justice of the peace, or by indictment
301 or information in any court in any county: *Provided*, that in all such prosecu-
302 tions, the owner or owners or persons in possession of said grounds or lands,
303 shall not be required to prove title to the grounds or lands in controversy.

304 Sec. 31. No person shall, in this State, at any time, use a ferret for the
305 purpose of hunting, capturing or killing any game, animals or rabbits. Any
306 person convicted of violating this section shall be fined in the sum of not less
307 than five dollars nor more than fifteen dollars; *and the ferret shall be con-*
308 *fiscated by the game warden or deputy*; and the person so convicted shall
309 stand committed to the county jail until such fine and costs are paid: *Pro-*
310 *vided*, that such imprisonment shall not exceed ten days.

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- 1 Introduced by Mr. Lederer, April 8, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act to amend sections sixteen (16) and seventeen (17) of "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, in force July 1, 1905; submitted to the voters of the city of Chicago at the election held November 7, 1905, and adopted; as amended by Act approved June 3, 1907, adopted at election held September 17, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections sixteen (16) and seventeen (17) of
3 "An Act in relation to a municipal court in the city of Chicago," approved May
4 18, 1905, in force July 1, 1905; submitted to the voters of the city of Chicago
5 at the election held November 7, 1905, and adopted; as amended by Act ap-
6 proved June 3, 1907, adopted at election held September 17, 1907, be and the
7 same are hereby amended to read as follows:

8 Sec. 16. That there shall be a bailiff of said municipal court, whose
9 term of office shall be six (6) years, and until his successor shall be elected
10 and qualified, and who shall be elected on the first Tuesday after the first
11 Monday of November, A. D. 1906, and every six years thereafter. He shall
12 perform with respect to said municipal court the duties usually performed
13 by sheriffs in respect to attendance upon and service and execution of the
14 process, and obedience of the lawful orders and directions of a circuit court.
15 He shall give his personal attention to the performance of the duties of his
16 office. He shall maintain an office in each district, and each office shall be
17 kept open for the transaction of business from half past eight o'clock a. m.
18 to half past five o'clock p. m. of each working day during the year, excepting
19 that on Saturdays, after the hour of one o'clock p. m., the bailiff may close
20 such of his offices as he may deem proper at one o'clock p. m. Until other-
21 wise provided by the rules which may be adopted under the provisions of this
22 Act, the powers, duties and liabilities, the oath of office and the bonds and con-
23 ditions thereof, of such bailiff shall be the same, as near as may be, as those
24 prescribed by law for sheriffs with respect to attendance upon, and service
25 and execution of the process, and obedience of the lawful orders and directions
26 of a circuit court. He shall be commissioned by the Governor. When a
27 vacancy occurs in the office of bailiff and the unexpired term exceeds one year,
28 the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving
29 bond and taking the oath, as required by law of the bailiff, and thereupon
30 such appointee shall perform all the duties required of a duly elected bailiff
31 of said court, and shall receive a like salary, and shall hold such office until
32 some person is elected and qualified according to law to fill such vacancy.
33 Whenever any such vacancy occurs, the chief justice shall forthwith notify
34 the Governor thereof, who, upon receiving such notice, shall, as soon there-
35 after as may be practicable, issue a writ of election, as in other cases. When
36 a vacancy occurs in the office of bailiff, and the unexpired term is less than

one year, the justice shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath required by law of the bailiff, and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. It shall be unnecessary to serve any process of summons upon the bailiff in any suit against him commenced in the municipal court. In lieu of the service of such process, the clerk shall notify the bailiff of the commencement of such suit, and the bailiff shall thereupon forthwith enter his appearance therein, such entry of appearance to be made without any advance payment of costs. The salary of the bailiff shall be fixed by the city council: *Provided, however,* that such salary shall not be less than *twelve* thousand dollars (\$12,000) per annum, *and that it shall neither be increased nor diminished during the term for which the bailiff shall have been elected.* Such salary shall be payable in monthly installments out of the city treasury. The bailiff may employ an attorney, at a salary of not exceeding three thousand dollars (\$3,000) per annum, which salary, together with all expenses incurred by the bailiff in prosecuting or defending suits brought by or against him in his official capacity, shall be paid out of the city treasury. *And in the event of the bailiff going out of office by death, resignation, removal or otherwise, all suits commenced by him or against him, pending now in any court, and suits to be commenced by or against him in his official capacity, all such suits shall be prosecuted or defended, as the case may be, by such bailiff or his legal representatives at the expense of the city of Chicago, to be paid out of the city treasury, together with all costs and expenses incurred by or to be incurred in prosecuting or defending such suits.*

Sec. 17. That said bailiff shall appoint such number of deputies as may be determined from time to time by a majority of the judges of the munici-

65 pal court, by orders signed by them and spread upon the records of said
 66 court. The salaries of deputy bailiffs shall be fixed, from time to time, by
 67 orders signed by a majority of the judges of the municipal court and spread
 68 upon the records of the court: *Provided, however,* that the salary of the chief
 69 deputy bailiff shall be four thousand dollars (\$4,000) per annum, and that the
 70 salary of the assistant chief deputy bailiff shall be two thousand five hundred
 71 dollars (\$2,500) per annum: *And, provided, further, that the bailiff may ap-*
 72 *point three additional deputy bailiffs. The salary of one such deputy bailiff*
 73 *shall be two thousand five hundred dollars (\$2,500) per annum and the remain-*
 74 *ing two of said deputy bailiffs at a salary of two thousand dollars (\$2,000) each*
 75 *per annum; and that the salary of no other deputy bailiff shall exceed one*
 76 *thousand eight hundred dollars (\$1,800) each per annum. All of said salar-*
 77 *ies herein mentioned shall be payable out of the city treasury in monthly in-*
 78 *stallments.* Such deputy bailiffs shall take the same oath or affirmation re-
 79 quired of the bailiff of said municipal court, and shall give bonds to be ap-
 80 proved by the chief justice of said court, conditioned, as near as may be,
 81 like the bond required of the bailiff. The bailiff and deputy bailiffs of the
 82 municipal court shall be *ex officio* police officers of the city of Chicago. Any
 83 deputy bailiff shall be subject to removal at any time by an order signed by
 84 a majority of the judges of the municipal court and spread upon the records
 85 of said court. Any deputy bailiff may likewise be removed by the bailiff:
 86 *Provided, however,* that any deputy bailiff so removed may be restored to
 87 his position by an order signed by a majority of the judges of said municip-
 88 al court and spread upon the records of said court. The number of deputy
 89 bailiffs may be reduced at any time by an order signed by a majority of the
 90 judges of said municipal court and spread upon the records of said court.
 91 Every police officer of the city of Chicago shall be *ex officio* a deputy bailiff
 92 of the municipal court, and shall perform, from time to time, such duties in
 92 respect to cases within the jurisdiction of said court as may be required of

94 him by said court or any judge thereof. The bailiff may appoint a special
 95 deputy to serve any summons issued out of the municipal court, by indorse-
 96 ment thereon substantially as follows: "I hereby appoint.....
 97 my special deputy, to serve the within writ," which shall be dated and signed
 98 by the bailiff. Such special deputy shall make return of the time and manner
 99 of service of such writ, under his oath, and for making a false return he shall
 100 be guilty of perjury and be punished accordingly: *Provided, however, that*
 101 *the bailiff and his sureties shall not be held liable for any act or acts com-*
 102 *mitted by such special deputy.*

Sec. 2. WHEREAS, An emergency exists, therefore this Act shall take
 2 effect from and after its passage.

- 1 Introduced by Mr. Lawrence, April 8, 1909.
2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act authorizing the Governor to appoint a State Forestry Board and State Forester, and for the purchase of a white pine forest tract in Ogle county, to be known as "the Ogle county white pine forest reserve," and appropriating moneys therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That on and after the passage of this Act, the Gov-
3 ernor be and hereby is authorized to appoint a State Forestry Board, consist-
4 ing of an officer to be known as the State Forester, the president of the Uni-
5 versity of Illinois, *ex officio*, and three citizens of the State, who together
6 shall constitute a State Forestry Board. One of the said citizens shall be
7 appointed for a term of two years and two of said citizens for a term of four
8 years, and thereafter all appointments shall be for a term of four years. The
9 members of the State Forestry Board, except the State Forester, shall serve

10 without salary, but shall be reimbursed for all necessary expenses incurred by
11 them in the performance of the duties of their office: *Provided, however,* that
12 the salary and expenses of said State Forester shall be according to the pro-
13 visions of section 4 of this Act. Said expenses shall be paid out of the treas-
14 ury of the State upon warrants of the Auditor of the State, and the members
15 shall certify the amount due them, separately, upon vouchers duly attested be-
16 fore an officer authorized to administer oaths.

Sec. 2. A majority of said board shall constitute a quorum, and said
2 board shall annually elect from its members a president. Said State Forester
3 shall be secretary of said board. Said board shall meet at least once in six
4 months in the city of Springfield, and otherwise, as often as they may deem
5 necessary, upon five days' notice signed by the president and secretary; and
6 in the absence of the president, the members present shall choose a chairman
7 to preside. The minutes of all meetings shall be recorded by the secretary in
8 a book to be kept for that purpose.

Sec. 3. Before entering upon the discharge of their duties, the members of
2 said board shall each take and subscribe an oath of office before the clerk of
3 the Supreme Court that they will faithfully and honestly perform the duties of
4 said office, which oath of office shall be filed in the office of the Secretary of
5 State. Said board shall have the care, control and supervision of any and all
6 lands which the State may acquire, either by gift, grant, purchase, condemna-
7 tion or otherwise, for forestry reservations, or for the carrying out of the
8 purposes and objects of this Act. Any moneys to which the State may become
9 entitled from the ownership and management of any forest reserve shall be
10 immediately paid over by said board to the State Treasurer as a part of the
11 revenue of the State.

Sec. 4. The State Forester appointed by the Governor shall give his ex-
2 clusive time and attention to said office, and shall not hold any other office or

3 position, other than herein provided for. He shall be a trained forester, who
4 has a technical education. He shall serve for the term of four years, and until
5 his successor has been appointed and has qualified for office, unless removed
6 for cause by the Governor, and may be reappointed. The term of his office
7 shall begin the first day of July. In case of a vacancy in the office, the ap-
8 pointment shall be to fill the vacancy. The said State Forester shall have an
9 office at the State capital. He shall receive an annual salary of two thousand
10 five hundred dollars, and annually the expenses necessarily incurred by him in
11 the discharge of his official duties, and fifteen hundred dollars for the salary of
12 an assistant. The State Forester shall quarterly certify the sums due for the
13 above purposes upon voucher, duly approved by the Governor, and attested
14 before an officer authorized to administer oaths; the amount so certified shall
15 be paid to said State Forester out of the treasury of the State, upon warrant
16 of the Auditor of State. The State Forester shall, annually, on or before the
17 thirty-first day of December, make a written report to the Governor of his
18 proceedings for the year ending on the first day of December, together with
19 such recommendations as he may deem proper, with a detailed statement of
20 the receipts and expenditures incident to the administration of his office. His
21 report shall be printed and a copy sent by him to the chairman of the board
22 of supervisors of each county in the State, to each member of the State Board
23 of Agriculture, to the officers of the State Horticultural Society, and to the
24 officers of the State and county farmers' institutes. Expenses of publication
25 shall be paid out of the expense fund of said State Forester.

Sec. 5. It shall be the duty of said board to collect, digest and classify in-
2 formation respecting forests, timber lands, methods of forest preservation and
3 timber culture, and to recommend plans and methods for forest preservation
4 and timber culture, and for the establishment of State forest preserves. The
5 board shall annually, on or before the thirty-first day of December, file with the

6 Governor a report. It shall be the duty of the State Forester to address farm-
7 ers' institutes and other public meetings throughout the State, discussing prac-
8 tical problems in forest management and forest planting; to study forest con-
9 ditions and forest extension in the State; to conduct experiments in forest man-
10 agement, nursery practice and forest planting; to publish, as far as possible,
11 results of such investigation; to inspect lands and wood lots, and to make
12 plans for forest planting and management for farmers and land owners.

Sec. 6. Said State Forestry Board shall constitute a board of trustees, and
2 by the name of "The Illinois State Forestry Board" shall have power to re-
3 ceive, in the name of the State, and is hereby authorized and empowered to
4 receive, a conveyance from the owners thereof of the white pine forest tract,
5 or parcel, of land, traversed by Pine creek and known as the "white pine
6 woods of Ogle county," situated in Ogle county, in the State of Illinois, being
7 parts of sections eight and nine, of township twenty-three north, range nine
8 east of the fourth principal meridian, and bounded as follows: On the east
9 by the public highway extending along the east line of the west half of the east
10 half of section nine, in township twenty-three north, range nine east of the
11 fourth principal meridian; on the north by the south line of the right of way
12 of the Chicago and St. Paul line of the Chicago, Burlington and Quincy Rail-
13 way Company; on the south, by the public highway extending along the south
14 line of said sections eight and nine; and on the west, by a line to be deter-
15 mined by said State Forestry Board, but which line shall be west of Pine
16 creek, traversing said land; the whole tract to contain not less than five hun-
17 dred acres, nor more than seven hundred acres; and to hold the same in per-
18 petuity as forest reserve, and for an object lesson in forest preservation, but
19 in trust for the State of Illinois; and no payment shall be made for any land
20 purchased under this Act until the title to such land shall be satisfactory to the
21 Attorney General, and conveyance thereof duly executed and accepted.

Sec. 7. Said State Forestry Board shall have the care, control and supervision of such forest reserves, and shall make, from time to time, rules for the use, care and administration thereof and enforce the same; shall appoint and fix the compensation of custodians, who shall act as fire wardens; and in said name may contract and sue, or be sued, in reference to any matters pertaining to the powers and trusts hereby created, and shall have the power to acquire said land in said white pine forest tract by condemnation under the eminent domain laws of the State: *Provided*, that the said land cannot be otherwise obtained at a reasonable price, in the opinion of said board. Said board shall have the control of the moneys appropriated from time to time for maintaining such forest reserves and shall direct the expenditure thereof; and shall expend therefor, by and with the consent of the Governor, a sum not to exceed five dollars per acre for any one year.

Sec. 8. There is hereby appropriated the sum of sixty thousand dollars, or as much as may be required, to defray the expense of purchasing said white pine forest tract, or parcel, of land, and caring for the same for the period of two years after the approval of this Act, and to be paid out of any money of the treasury of the State not otherwise appropriated, on warrant of the Auditor, upon vouchers duly approved by resolution of said State Forestry Board and by the Governor of the State.

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- 1 Introduced by Mr. Carter, April 8, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to regulate the practice of optometry in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The practice of optometry is defined to be the em-
3 ployment of any means other than the use of drugs or by surgery for the
4 measurement of the powers of vision and the adaptation of lenses for the aid
5 thereof.

6 The provisions of this Act shall not be construed to apply to physicians
7 duly licensed to practice medicine under the laws of this State, nor to persons
8 who sell spectacles or eyeglasses on prescription from any duly qualified opto-
9 metrist or physician, nor to dealers in spectacles or eyeglasses, having an estab-
10 lished place of business, who neither practice nor profess to practice op-
11 tometry, except as hereinafter provided.

Sec. 2. It shall be unlawful, three months after this Act takes effect, for
2 any person to practice, or to profess or advertise to practice, optometry, or
3 to test and examine eyes and recommend glasses therefor, unless he shall first
4 have obtained a certificate of registration, or a permit, as hereinafter pro-
5 vided. Any person who shall violate any provision of this section shall be
6 liable to a penalty of not less than twenty-five nor more than one hundred dol-
7 lars for every such offense.

Sec. 3. The Governor, with the advice and consent of the Senate, shall
2 appoint five persons from among such practicing optometrists of the State as
3 have had not less than five years' practical experience in optometry, who shall
4 constitute the Board of Optometry. The persons so appointed shall hold their
5 office for five years, except that the terms of the members of the board first
6 appointed shall be so arranged that one shall expire on the 30th day of Decem-
7 ber of each year, subject to extension of time until their successors shall have
8 been duly appointed and qualified. All vacancies, however occurring, shall be
9 filled by the Governor with the advice and consent of the Senate and appoint-
10 ments made when the Senate is not in session may be confirmed at its next
11 ensuing session.

12 The Illinois State Society of Optometrists shall, as a result of an annual
13 vote to be taken of its own members and of all other practicing optometrists
14 in the State, report to the Governor the first year, recommending the names
15 of at least ten persons deemed best qualified to serve on the board of optometry
16 as determined by the ten receiving the highest number of votes, and annually
17 thereafter the names of three persons to fill any vacancies.

Sec. 4. The said board shall, within thirty days after its appointment,
2 meet and organize by electing a president and treasurer from among its mem-
3 bers, and a secretary, who shall not be a member of said board, but who shall

4 have all the qualifications of a member. Said board shall prescribe the duties
5 of its officers and shall require the secretary and treasurer to give proper and
6 sufficient bonds. All certificates issued by the board of optometry shall be
7 signed by the president and attested by the secretary and the seal of the
8 board. Such certificates shall be *prima facie* evidence of the right of the holder
9 to practice optometry. The president and secretary shall have the power to
10 administer oaths and the board to take testimony in all matters relating to
11 its duties.

Sec. 5. It shall be the duty of the board to examine all applications for
2 registration submitted in proper form; to grant certificates of registration to
3 such persons as may be entitled to the same under the provisions of this Act;
4 to cause the prosecution of all persons violating its provisions; to report annu-
5 ally to the Governor and to the Illinois State Society of Optometrists upon
6 the condition of optometry in the State, which said report shall also furnish
7 a record of the proceedings of the said board for the year; an itemized state-
8 ment of all moneys received and disbursed and the names of all optometrists
9 registered under this Act. The board shall hold meetings for the examination
10 of applicants for registration and the transaction of such other business as
11 shall pertain to its duties at least once in three months. At least one meet-
12 ing in every year shall be held in the city of Chicago and in the city of
13 Springfield; the board shall give thirty days' public notice of the time and
14 place of all such meetings; shall have the power to make by-laws for the
15 proper fulfillment of its duties under this Act and shall keep a book of regis-
16 tration in which shall be entered the names and places of practice or busi-
17 ness of all persons registered under this Act, which book shall also specify
18 such facts as said persons shall claim to justify their registration. The presi-
19 dent of said board may call a special meeting at any time. Three members
20 shall constitute a quorum and the records of the board shall at all times be
21 open to public inspection.

Sec. 6. The Secretary of the said board shall receive a salary, which shall
 2 be fixed by the board and which shall not exceed the sum of \$1,500 per year;
 3 he shall also receive his traveling and other expenses incurred in the perform-
 4 ance of his official duties. The members of the board shall receive the sum
 5 of five dollars (\$5) for each day engaged in this service and all legitimate
 6 and necessary expenses incurred in attending the meetings of said board; said
 7 expenses shall be paid from the fees and penalties received by the board under
 8 the provisions of this Act, and no part thereof shall be paid by the State. All
 9 moneys payable under this Act shall be paid to the secretary, who shall pay
 10 them to the treasurer, he giving his receipt therefor.

Sec. 7. Any person who shall, within three months after this Act takes
 2 effect, forward to the board of optometry satisfactory proof, supported by his
 3 affidavit, that he was engaged in the practice of optometry at an established
 4 place of business or practice for three years next preceding the date this Act
 5 takes effect, shall, upon the payment of a fee of five dollars (\$5), be granted
 6 a certificate of registration as registered optometrist without examination:
 7 *Provided*, that in case of a failure or neglect to register within the three
 8 months' time limit as herein provided, such person shall be deemed to have
 9 waived his right to registration under this section, and in order to be regis-
 10 tered shall comply with the requirements for registration by examination.

Sec. 8. Any person of good moral character, temperate habits, and not
 2 less than twenty-one years of age, shall be entitled to registration as a regis-
 3 tered optometrist by examination, who shall make application in manner and
 4 form as prescribed by the board of optometry and shall pass a satisfactory ex-
 5 amination before the said board. Every such applicant shall pay to the secre-
 6 tary of the board at the time of filing his application a fee of ten dollars (\$10),
 7 which fee, should he fail in first examination, shall entitle him to a second
 8 examination if taken within one year. Should the second examination be sat-

9 isfactory, he shall, before a certificate is granted, pay an additional fee of \$5.
10 The said board may, in its discretion, upon the payment of a fee of \$5, grant
11 certificates of registration to the licentiates by examination of such other
12 boards as it shall deem proper.

Sec. 9. Any person shall be entitled to registration as a registered assist-
2 ant optometrist who is not less than eighteen years of age, and is of good
3 moral character, and temperate habits, and has had not less than one year's
4 experience in optometry, and shall pass a satisfactory examination before the
5 board of optometry. Such person shall first make application in proper form
6 for such certificate, and at the same time shall pay a fee of two dollars (\$2),
7 which fee, should he fail in his first examination, shall entitle him to a second
8 examination if taken within six months, when, if successful, he shall, before a
9 certificate is granted, pay an additional fee of \$2. The said assistant certifi-
10 cate shall entitle the holder to practice optometry as an assistant and only
11 under the immediate supervision or in the temporary absence of the regis-
12 tered optometrist in charge of the place of his employment.

Sec. 10. The board of optometry, under such regulations and for such fee,
2 not exceeding two dollars (\$2), as it shall deem proper, shall grant to any
3 person, making application in proper form, and passing a satisfactory exam-
4 ination, a permit to practice optometry as local registered optometrist, which
5 permit shall be operative in and apply to the village, town or locality for which
6 granted and no other.

Sec. 11. Every person to whom a certificate of registration is granted
2 under this Act shall display the same in a conspicuous place in his principal
3 office, place of business or employment. Any person violating the provisions
4 of this section shall be liable on conviction to a penalty of fifty dollars (\$50.

Sec. 12. The board of optometry may refuse to grant a certificate or
 2 permit to any person guilty of felony, gross immorality or mal-practice, or
 3 who has an infectious disease or is a victim to the use of alcoholic or narcotic
 4 drugs to such an extent as to render him unfit for the practice of optometry;
 5 and the said board may, after due notice and hearing, revoke or suspend any
 6 certificate for like cause or any certificate procured by misrepresentation or
 7 fraud.

Sec. 13. Every registered optometrist who desires to continue the practice
 2 of optometry shall, annually, on such date as the board of optometry may de-
 3 termine, pay to the secretary of the board a renewal registration fee, to be
 4 fixed by the board, but which shall in no case exceed two dollars (\$2) per
 5 annum, for which he shall receive a renewal of his certificate.

6 Every registered assistant optometrist desiring to continue in practice shall
 7 annually pay to the board of optometry a fee of one dollar (\$1), for which
 8 he shall receive a renewal of his certificate. Every local registered optome-
 9 trist desiring to continue in practice shall pay an annual fee of one dollar
 10 (\$1), for which he shall receive a renewal of his permit.

11 In case of neglect or failure to pay the renewal fee herein specified for
 12 any certificate or permit issued by the board of optometry within the time pre-
 13 scribed by the said board, the board of optometry may revoke such certifi-
 14 cate and the holder thereof may be reinstated only by complying with the
 15 conditions specified in this Act for the registration of unregistered persons.
 16 But no certificate or permit shall be revoked without giving sixty days' notice
 17 to the delinquent, who, within such period, shall have the right of renewal of
 18 such certificate or permit on payment of the renewal fee with such penalty,
 19 not exceeding \$25, as said board may determine: *Provided*, that actual retire-
 20 ment from practice for a period not exceeding five years, shall not deprive

21 the holder of said certificate of the right to renew his certificate on the pay-
22 ment of all lapsed fees.

Sec. 14. Every renewal certificate or permit issued by the board of op-
2 tometry under this Act shall expire each year on the 30th day of December
3 following the issuance of same.

Sec. 15. It shall be unlawful for any person not a registered optometrist
2 to open or conduct a store, shop, office, or other place of business where eyes
3 are tested and spectacles and eyeglasses are recommended and sold, except
4 as hereinafter provided.

5 It shall be unlawful for the proprietor of any store, shop, office, or place
6 of business as aforesaid, to allow any person in his employ to examine and
7 test the eyes of another and to recommend glasses therefor, unless such per-
8 son shall be a registered optometrist or registered assistant optometrist under
9 the immediate supervision of a registered optometrist. Any person violating
10 any provision of this section shall be liable to a fine of not less than \$25 nor
11 more than \$100 for every **such** offense: *Provided*, nothing in this section shall
12 be construed to prevent any person owning any such store, shop or place of
13 business, who shall employ and place in active and personal charge thereof a
14 registered optometrist; nor shall anything in this section apply to the exclu-
15 sively wholesale business of any dealer.

Sec. 16. Every person registered under this Act shall cause his original
2 certificate or permit to be registered with the county clerk of each and every
3 county in which he shall practice, and the date of registration shall be indorsed
4 thereon. And whenever practicing said profession of optometry outside of, or
5 away from, his principal office or place of business, he shall deliver to each cus-
6 tomer or person he shall fit with glasses, a bill of purchase, bearing the date
7 thereof, which shall contain his signature, home post office address, and the

8 number of his certificate of registration. The clerk of the county may charge
9 a registration fee, not exceeding twenty-five cents, for every such certificate. For
10 failure or neglect to register any certificate, as provided in this section, the
11 board of optometry may revoke the same, subject to reinstatement only on pay-
12 ment to the said board of a penalty of not less than twenty-five dollars (\$25)
13 nor more than one hundred dollars (\$100).

Sec. 17. All suits for the recovery of the several penalties prescribed in
2 this Act shall be prosecuted in the name of the People of the State of Illinois,
3 in any court having jurisdiction, and it shall be the duty of the State's attor-
4 ney of the county where such offense is committed to prosecute all persons
5 violating the provisions of this Act, upon proper complaint being made. All
6 penalties collected under the provisions of this Act shall inure to the board
7 of optometry.

AMENDMENTS TO

46th Assem.

HOUSE—No. 576

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Section 2, line 1, strike out the word "three" and insert in lieu thereof the word "six."

AMNEDMENT NO. 2.

Section 7, line 7, strike out the word "as."

AMENDMENT NO. 3.

In section 8, after the word "board" insert the following words: "The said examination shall include tests in mathematics as applied to optometry; also tests in the laws of light, the structure of the eye, the function of lenses and the art of refraction, and may require an additional evidence of proper qualifications, the equivalent of two years' attendance at a high school and a practical experience in optometry of two years under the supervision of a registered optometrist."

AMENDMENT NO. 4.

In section 14, line 1, after the word "every" insert the word "renewal."

AMENDMENT NO. 5.

In section 16, by making all words after the word "certificate," line 10, to read as follows: "or to supply a bill of purchase as provided in this section, the board of optometry may revoke the certificate, but may reinstate the same on payment to the board of a penalty of not less than ten dollars (\$10.00) for every such offense."

The use of test types, test lenses or trial frames by any person shall be deemed evidence of the practice of optometry.

- 1 Introduced by Mr. Durfee, April 8, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to create one additional term of the circuit court in and for the county of Grundy and to fix the time of holding the same and changing the terms of court in and for said county.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there be and is hereby created one additional
3 term of the circuit court in and for the county of Grundy.

Sec. 2. That said additional term of said court shall be held on the first
2 Monday of May of each year.

Sec. 3. That the terms of court as established by law in and for said
2 county be changed as follows, to-wit: The first Monday of October, the second
3 Monday of February, and that the said additional term be established for the
4 first Monday of May of each and every year.

Sec. 4. That all suits, writs and processes of every kind and nature, either
2 civil or criminal, heretofore commenced or pending in the said circuit court, or
3 that may be pending therein at the time this Act takes effect, shall be cogniza-
4 ble and triable at the first term after this Act takes effect.

Sec. 5. *Provided*, that no grand jury shall be summoned at the May term
2 hereby created unless so ordered by the court.

Sec. 6. All Acts or parts of Acts in conflict with this Act are hereby re-
2 pealed.

Sec. 7. WHEREAS, An emergency exists, therefore this Act shall take effect
2 and be in force from and after its passage.

- 1 Introduced by Mr. Espy, April 8, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 36 of an Act entitled "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874; as amended by an Act approved May 15, 1879, and in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 36 of an Act entitled "An Act to ex-
3 tend the jurisdiction of county courts and to provide for the practice thereof,
4 to fix the time for holding the same, and to repeal an Act therein named," ap-
5 proved March 26, 1874, in force July 1, 1874; as amended by an Act approved

6 May 15, 1879, in force July 1, 1879, be and the same is hereby amended to read
7 as follows:

8 Sec. 36. Franklin county, on the *second Mondays of January, April, July*
9 *and October.*

- 1 Introduced by Committee on Fees and Salaries, April 8, 1909.
- 2 Read first time, ordered printed and to second reading.

A BILL

For an Act to allow a per diem fee to clerks of the circuit, county and probate courts in counties of the first and second class and to repeal certain Acts therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the clerks of the circuit court in counties of
3 the first and second class shall receive and be allowed at a per diem fee for
4 attendance upon said courts the sum of six dollars per day, and the clerks of
5 the probate courts in counties of the second class shall be allowed the same
6 per diem fee for attendance upon their respective courts as are now allowed
7 to clerks of the county courts and sheriffs in counties of the second class for
8 such service.

Sec. 2. That section 1 of an Act entitled "An Act to allow a per diem
2 fee to clerks of the circuit and probate courts in counties of the second class,"

3 approved June 15, 1893, in force July 1, 1893; as amended by an Act approved
4 June 7, 1895, in force July 1, 1895; as amended by an Act approved May 10,
5 1901, in force July 1, 1901; as amended by an Act filed May 13, 1907, in force
6 July 1, 1907, be and the same is hereby repealed.

- 1 Introduced by Mr. Morris, April 8, 1909.
- 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend section 17, article VI, of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889; as amended by an Act approved June 22, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 17 of article VI of an Act entitled “An Act to establish and maintain a system of free schools,” approved and in force May 21, 1889, as amended by an Act approved June 22, 1891, in force July 1, 1891, be amended so as to read as follows:

6 Sec. 17. In cities having a population exceeding 100,000 inhabitants there
7 shall be elected at the regular city election to be held in the year 1910 five mem-
8 bers of the board of education of such city, to succeed the seven members
9 thereof holding office by appointment whose terms of office expire next after
10 said election; and there shall be elected at the regular city election in the year

11 1911 five members of said board to succeed the seven members holding office by
12 appointment whose terms of office expire next after said last mentioned elec-
13 tion; and there shall be elected at the regular city election in the year 1912
14 five members of said board to succeed the seven members holding office by
15 appointment whose terms of office expire next after said last mentioned
16 election.

17 Each of the members elected as aforesaid shall hold their respective
18 office for the term until the third regular city election after that at which
19 they were respectively so elected, and until their successors are elected and
20 qualified:

21 At the regular city election in the year 1913, and annually thereafter, at
22 the regular city election in each year, there shall be elected five members of
23 said board for the term each of three years, and until their successors respect-
24 ively are elected and qualified.

25 *Provided, however,* that in such cities wherein there is now a board of
26 education, the members of which hold their office by appointment, such officers
27 shall continue in office until the time at which their terms would have expired
28 under the law in force at the time of their appointment:

29 *And, provided, further,* that if the term of office of any member holding
30 office by appointment shall expire, or the office become vacant by death, resig-
31 nation, removal or otherwise before the first day of January in the year 1910,
32 the successors of such member may be chosen by appointment in the manner
33 heretofore provided by law. Any vacancy which shall occur on or after said
34 first day of January in the year 1910 shall be filled for the remainder of the
35 original term by election at the ensuing regular city election:

36 *And, provided, further,* that all members of said board of education ap-
37 pointed or elected after this Act shall take effect shall receive compensation
38 for their services equal to and not more nor less as to each member than the

39 maximum salary of an alderman of such city as fixed last before the appoint-
40 ment or election of such member.

41 From and after the expiration of the terms of all the members of such
42 board holding office by appointment said board shall consist of fifteen mem-
43 bers holding office by election.

- 1 Introduced by Committee on Judiciary, April 8, 1909.
- 2 Read first time, ordered printed and to second reading.

A BILL

For an Act to amend section 97 of "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 97 of an Act entitled "An
3 Act to revise the law in relation to criminal jurisprudence," approved
4 March 27, 1874, in force July 1, 1874. be and the same is hereby amended to
5 read as follows:

6 Sec. 97. "Whoever, by any false representation in writing, signed by him,
7 of his own respectability, wealth, or mercantile correspondence or connections,
8 assets or liabilities, and whoever, by any false representations in writing, of
9 the respectability, wealth, mercantile correspondence or connections, or the as-
10 sets or liabilities, or any or all of them, of any firm or corporation of which he
11 is a member, officer, agent or employe, obtains credit for himself or such firm

12 *or corporation*, and thereby defrauds any person of money, goods, chattels or
13 any valuable thing, or whoever procures another to make a false report in
14 writing, signed by the person making the same, of his honesty, wealth, mercan-
15 tile correspondence or connections, *assets or liabilities, or of the honest, wealth,*
16 *mercantile correspondence, or connections or assets or liabilities, or any or all of*
17 *them, of any firm or corporation of which he is a member, officer, agent or employe.*
18 and thus obtains credit *for himself or such firm or corporation*, and thereby
19 defrauds any person of any money, goods, chattels or other valuable thing, shall
20 be sentenced to return the money or property so fraudulently obtained, if it can
21 be done, and shall be fined not exceeding \$2,000, and *imprisoned* in the *peniten-*
22 *tentiary* not exceeding *ten* years."

- 1 Introduced by Mr. Lantz, by request, April 9, 1909.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act to regulate the practice of non-medical healing in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That within thirty days after the passage of this
3 Act, the Governor, by and with the advice and consent of the Senate, shall ap-
4 point a State Board of Censors of non-medical healing, consisting of three
5 members, one to serve for one year, one for two years, and one for three
6 years, and the successors of each shall be appointed for three years. Any
7 person to be eligible to appointment to membership on said board shall be a
8 graduate of some school of non-medical healing, and shall have been actively
9 engaged in the practice of non medical healing in this State for at least two
10 years immediately preceding his appointment, and a resident of the State of
11 Illinois.

Sec. 2. The members so appointed shall meet at Springfield, Ill., within
2 twenty days after such appointment, and after taking an oath of office, shall
3 organize the board by electing a president, a secretary and a treasurer. They
4 shall provide for a common seal, and prescribe rules governing examinations.
5 The treasurer shall give an official bond in the sum of three hundred dollars,
6 with sureties to be approved by the board.

Sec. 3. The board shall hold regular meetings for the examination of
2 applicants for certificates to practice, and for such other business as may prop-
3 erly come before it, on the first Monday of January, May and September of
4 each year; and special meetings may be called by the president whenever the
5 exigencies of the business require it.

Sec. 4. The board shall keep a record of all its proceedings, including a
2 register of all applicants for certificates, and the action of the board on each
3 application. The books and register of the board shall be *prima facie* evi-
4 dence of all matters officially recorded therein.

Sec. 5. Any person desiring to practice non-medical healing in the State
2 of Illinois shall file with the secretary of the board, at least ten days before a
3 regular meeting, a written application on a form to be prescribed by the board,
4 and furnish satisfactory proof, by affidavit or otherwise, that, if the applicant
5 is a male he shall be over twenty-one; and if a female, over eighteen years
6 of age; of good moral character, and has a good common school education;
7 and shall accompany such application by the payment of an examination and
8 registration fee of fifteen dollars. Any applicant failing to pass the examina-
9 tion shall be entitled to any subsequent examination without the payment of
10 any additional fee. All fees shall be paid to the treasurer of the board, and
11 shall be by him turned into the State treasury to the credit of a fund which

12 is hereby created and appropriated to the use of the State Board of Censors
13 of Non-Medical Healing.

Sec. 6. All examinations shall be conducted under the rules of the board,
2 and each applicant shall be examined in anatomy, physiology and physical
3 diagnosis, and such other subjects as the board may require.

Sec. 7. The board shall issue to each applicant successfully passing the
2 prescribed examination a certificate, under the seal of the board; and the holder
3 of such certificate, before beginning to practice, shall file the same with the
4 county clerk for registry in the county in which he desires to practice. The
5 said clerk shall register such certificate in a book to be kept by him for that
6 purpose. Thereupon the holder of such certificate shall be entitled to practice
7 non-medical healing in this State, and use the title of "Doctor" in connection
8 with his name: *Provided*, that any person after having duly applied for exam-
9 ination and paid the prescribed fee, shall be exempted from such examination
10 and may receive a certificate upon proof satisfactory to the board that he has
11 been actively engaged in the practice of non-medical healing in this State for
12 at least two years before the passage of this Act.

Sec. 8. The board shall revoke any certificate when it is made to appear
2 that the holder thereof has been convicted of a felony, or is guilty of gross im-
3 morality, or is an habitual drunkard; but no certificate shall be revoked until
4 there has been given to the holder thereof due notice and opportunity to be
5 heard. Upon the revocation of any certificate, or upon the death of the holder
6 of any certificate, the county clerk of the county in which the same shall have
7 been registered shall enter in the book at the place of such registry a note of
8 the fact.

Sec. 9. Each member of said board shall receive as his compensation the
2 sum of ten dollars per day for each day actually engaged in the work of the

3 board, together with his necessary traveling expenses. The compensation and
4 expenses of members of the said board, and all other charges and expenses
5 which, in the opinion of the board are necessary and proper for the perform-
6 ance of their duties and the enforcement of the law, shall be paid out of the
7 fund mentioned in section 5 hereof, upon warrant of the Auditor of State
8 issued upon requisition signed by the president and secretary of the board.

Sec. 10. The term "Non-Medical Healing" in this Act shall be held to
2 mean the treatment, for a fee, of any bodily injury, infirmity, or disease, by
3 means other than drugs, medicines or surgery.

Sec. 11. Any person practicing non-medical healing as defined in section
2 10 hereof, except as provided in section 12 hereof, without having first com-
3 plied with the provisions of section 5 and 7 hereof, shall be deemed guilty of
4 misdemeanor, and shall be fined not less than twenty dollars nor more than
5 two hundred dollars, and shall pay the costs of prosecution.

Sec. 12. Nothing in this Act shall be construed to prohibit treatment in
2 cases of emergency, or treatment by members of the family of the patient with-
3 out compensation, or treatment by any method by practitioners holding certifi-
4 cates to practice any branch of the healing art issued under authority of any
5 law of this State.

Sec. 13. This Act shall take effect and be in force from and after its
2 passage.

1 Introduced by Mr. Kleeman, April 14, 1909.

2 Read by title, ordered printed and referred to Committee on Drainage and
Waterways.

A BILL

For an Act to amend section 354, paragraph 12, of an Act entitled, "An Act to create sanitary districts and remove obstructions in the DesPlaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, and amended May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 354, paragraph 12, of an Act entitled,
3 "An Act to create sanitary districts, and to remove obstructions in the Des
4 Plaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, as
5 amended May 25, 1907, in force July 1, 1907, be and is hereby amended to
6 read as follows:

7 Sec. 354. No. 12. The board of trustees may levy and collect taxes for
8 corporate purposes, upon property within the territorial limits of such sanitary

9 district, the aggregate amount of which in any one year shall not exceed one
10 per centum of the value of the taxable property within the corporate limits
11 as the same shall be assessed and equalized for the county taxes for the year
12 in which the levy is made. Said board shall cause the amount to be
13 raised by taxation in each year to be certified to the county clerk on or be-
14 fore the second Tuesday in August, as provided in section one hundred and
15 twenty-two of the General Revenue law. All taxes so levied and certified shall
16 be collected and enforced in the same manner and by the same officers as
17 State and county taxes, and shall be paid over by the officer collecting the
18 same to the treasurer of the sanitary district, in the manner and at the time
19 provided by the General Revenue law: *Provided, that no part of said taxes*
20 *hereby authorized shall be used by said drainage trustees in said drainage*
21 *district after the passage of this Act for the construction of any bascule or*
22 *other bridges over or across the Chicago river, or for condemnation of prop-*
23 *erty necessary for the widening, dredging, deepening or for any improvement*
24 *whatsoever of the Chicago river, or for the creation of water power and the*
25 *conversion of it into electrical current, until said drainage trustees have made*
26 *provisions for the construction and completion of the Calumet channel, or*
27 *feeder, and for the Evanston channel, or feeder, for the purpose of draining*
28 *of said territory, as provided by section 369e, as follows: "An Act in rela-*
29 *tion to the sanitary district of Chicago, to enlarge the corporate limits of said*
30 *district, and to provide for the navigation of the channels created by such*
31 *district, and to construct dams, water wheels and other works necessary to*
32 *develop and render available the power arising from the water passing*
33 *through its channels and to levy taxes therefor," approved May 14, 1903, in*
34 *force July 1, 1903.*

35 *And, provided, further, that no part of said taxes shall be used or ex-*
36 *pended, except for the necessary maintenance of the main channel of said*
37 *sanitary district as constructed, until the purpose of the creation of said sani-*

38 tary district shall be carried out, in that of preventing the pollution and con-
39 tamination of the drinking water of Lake Michigan, used by the inhabitants
40 of the city of Chicago and said sanitary district.

41 *And, provided, further, that all bridges built across such channel shall*
42 *not necessarily interfere with or obstruct the navigation of such channel,*
43 *when the same becomes a navigable stream, as provided in section 24 of this*
44 *Act, but such bridges shall be so constructed that they can be raised, swung*
45 *or moved out of the way of vessels, tugs, boats or other water crafts navi-*
46 *gating such channel: And, provided, further, that nothing in this Act shall be*
47 *so construed as to compel said district to maintain or operate bridges as mov-*
48 *able bridges, for a period of twelve years from and after the time when the*
49 *water has been turned into said channel pursuant to law, unless the needs of*
50 *general navigation on the DesPlaines and Illinois rivers, when connected by*
51 *said channel, sooner require it.*

52 WHEREAS, An emergency exists therefore this Act shall take effect and
53 be in force from and after its passage.

- 1 Introduced by Mr. Church, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 19 of an Act entitled, "An Act defining motor vehicles, and providing for the registration of the same, and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,' approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith, filed May 28, 1907, in force July 1, 1907."

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 19 of an Act entitled, "An Act defin-
3 ing motor vehicles, and providing for the registration of the same, and uniform
4 rules regulating the use and speed thereof, and repealing an Act entitled, 'An
5 Act to regulate the speed of automobiles and other horseless conveyances
6 upon the public streets, roads and highways of the State of Illinois,' ap-

7 proved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or
 8 parts of Acts inconsistent herewith, filed May 28, 1907, in force July 1, 1907,"
 9 be and the same is hereby amended so as to read as follows:

10 Sec. 19. Any person wilfully violating the provisions of this Act shall,
 11 except as otherwise provided herein, upon conviction, be fined in a sum not to
 12 exceed the amounts hereinafter set forth:

13 For a violation of section two, twenty-five dollars.

14 For a violation of section three, twenty-five dollars.

15 For a violation of section four, twenty-five dollars.

16 For a violation of section five, twenty-five dollars.

17 For violation of section six, twenty-five dollars.

18 For a violation of section seven, twenty-five dollars .

19 For a violation of section nine, twenty-five dollars.

20 For a violation of section ten, subdivision a, two hundred dollars.

21 For a violation of section ten subdivision b, two hundred dollars.

22 For a violation of section ten, subdivision c, two hundred dollars.

23 For a violation of section twelve, two hundred dollars.

24 For a violation of section fourteen, ten dollars.

25 For a violation of section fifteen, fifteen dollars.

26 For a violation of section seventeen, one hundred dollars.

27 Any provision not herein specifically mentioned, one hundred dollars.

28 *Provided*, that any offender who shall have been found guilty of a vio-
 29 lation of any section of this Act, and fined therefor, *and who shall within two*
 30 *years thereafter be convicted of a second violation of such section, may be*
 31 *fined in a sum not exceeding double the penalty herein provided for a first vio-*
 32 *lation, and in addition thereto may have his certificate or license issued by*
 33 *the Secretary of State revoked for a period not exceeding one year; and for*
 34 *a third or subsequent violation of any section of this Act within three years*

35 *after the date of such second violation, the certificate or license shall, in ad-*
36 *dition to the fine provided for a second offense, be revoked for a period not*
37 *exceeding three years.* Any person whose license shall have been revoked
38 for a violation of any of the provisions of this Act, and who shall drive or
39 operate a motor vehicle within the State of Illinois during the period for
40 which his said license shall have been revoked, or any person who, having
41 once been convicted of a failure to comply with the provisions of this Act,
42 requiring a registration by chauffeurs, shall fail or refuse to comply with
43 said provisions, shall be deemed guilty of a misdemeanor, and on conviction
44 may be fined in a sum not to exceed two hundred dollars, or imprisoned in
45 the county jail for a period not exceeding thirty days, or both, in the discre-
46 tion of the court. All fines imposed for the violation of any of the provisions
47 of this Act shall be paid to the treasurer of the highway commissioners of
48 the township or road district in which the offense is committed by the justice
49 of the peace, clerk of the court or other officer to whom the amount of such
50 fines shall be by law required to be paid by the constable, bail-
51 iff, sheriff or other officer named in any execution issued for the collection of
52 the same; and all moneys so received by the treasurer of the highway com-
53 missioners shall be used in repairing and improving the roads within such
54 township or road district: *Provided, however,* that whenever any such viola-
55 tion shall occur within the limits of any city, village or incorporated town,
56 or within the jurisdiction of any board of park commissioners wherein no
57 commissioners of highways exist or have jurisdiction, in such case all fines
58 imposed for the violation of any of the provisions of this Act shall be paid
59 to the treasurer of such city, village or incorporated town, or to the park
60 commissioners within whose jurisdiction the offense is committed by the justice
61 of the peace, clerk of the court or other officer, to whom the amount of such
62 fines shall be by law required to be paid by the constable, bailiff, sheriff or

63 other officer named in any execution issued for the collection of the same, and
64 all moneys so received by the treasurer of such city, village or incorporated
65 town, or park commissioners, shall be used in repairing and improving the
66 roads or streets within such city, village, incorporated town or park.

- 1 Introduced by Mr. Scanlan, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to amend section eleven (11) of article three (III) of an Act entitled “An Act to amend an Act entitled ‘An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,’ ” approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section eleven (11) of article three (III) of
3 an Act entitled “An Act to amend an Act entitled ‘An Act regulating the hold-
4 ing of elections and declaring the result thereof in cities, villages and incor-
5 porated towns in this State,’ ” approved June 19, 1885, in force July 1, 1885;
6 as amended by an Act approved June 18, 1891, in force July 1, 1891; as
7 amended by an Act approved April 24, 1899, in force July 1, 1899, be and the
8 same is hereby amended to read as follows:

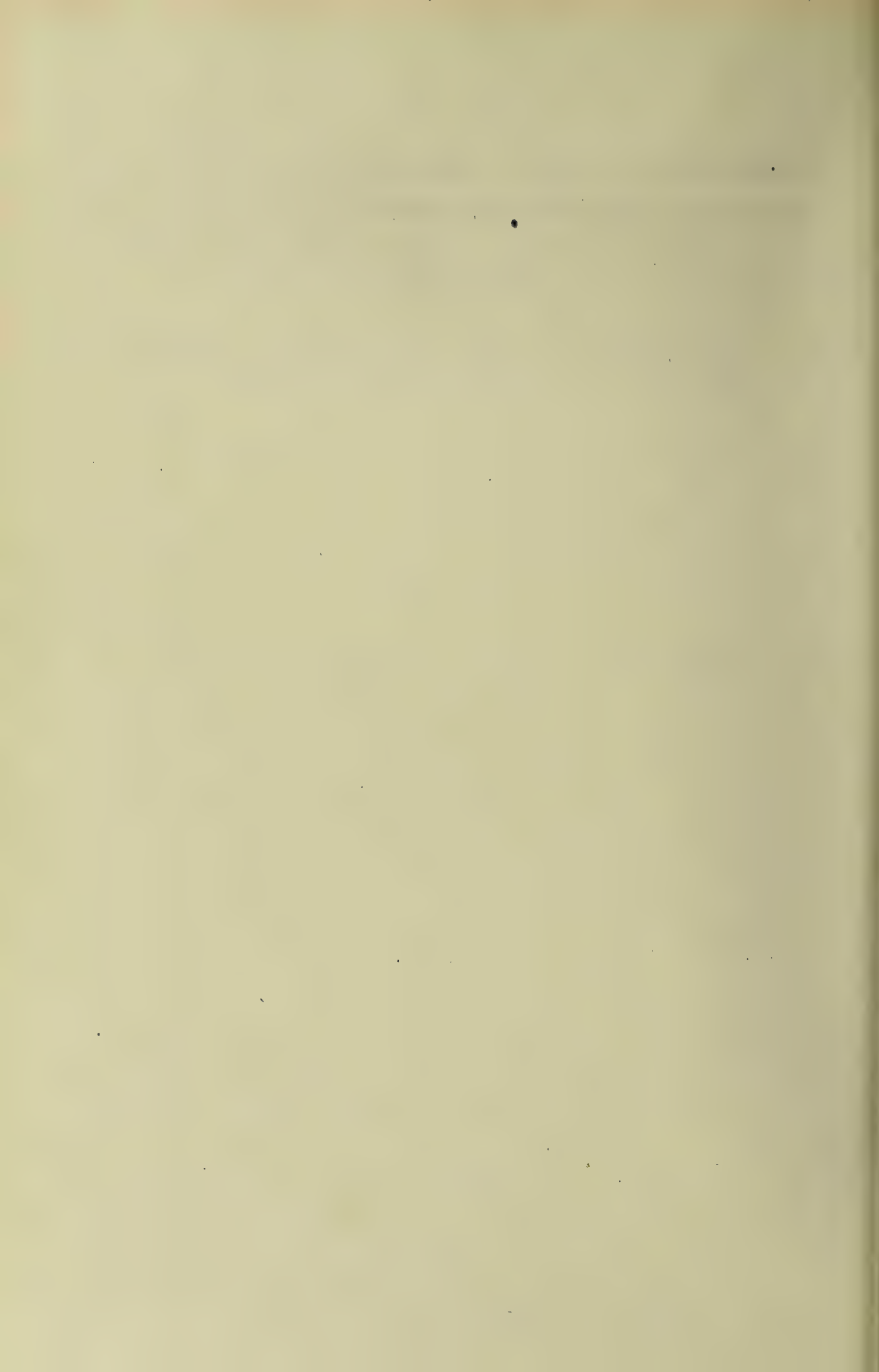
9 Sec. 11. Any voter or voters in the ward, village or town containing such
 10 precinct, may, between the hours of 9 a. m. and 6 o'clock p. m. of Monday and
 11 Tuesday of the week immediately preceding the week in which such election
 12 is to be held, make application in writing before such board of election com-
 13 missioners to have any name upon such register of any precinct in the ward
 14 erased, which application shall be in substance in the words and figures fol-
 15 lowing:

16 "I (or we)..... do hereby solemnly swear (or affirm)
 17 that.....is not a qualified voter in.....pre-
 18 cinct of.....ward of the city (village or town) of.....,
 19 and hence I (or we) ask that his name be erased from the register of such
 20 precinct."

21 Such application shall be signed and sworn to by the applicant and filed with
 22 said board. Thereupon notice of such application, with a demand to appear
 23 and show cause why his name shall not be erased from said registry, shall be
 24 personally served upon such person or left at his place of residence, named in
 25 such registry, by a messenger of said board of commissioners, and, as to the
 26 manner and time of serving such notice such messenger shall make affidavit;
 27 said messenger shall also make affidavit of the fact, in case he can not find
 28 such person or his place of residence, and that he went to the place named on
 29 such register as his place of residence. Such notice shall be served at least one
 30 day before the time fixed for such party to show cause. Said commissioners
 31 shall also cause a like notice or demand to be sent by mail, duly stamped and di-
 32 rected to such person, to the address upon said registry at least two days before the
 33 day fixed in said notice to show cause. *But the name of no person who has*
 34 *filed the affidavit provided for in section twelve of this Act shall be erased*
 35 *from such registry until such person has had a hearing before said commis-*
 36 *sioners and it has been determined by competent evidence that such person is*
 37 *not a duly qualified voter. Any voter making such application or applications*

38 shall be privileged from arrest while presenting the same to the board of elec-
39 tion commissioners, and while going to and returning from the board of election
40 commissioners. *And any person who shall wilfully, corruptly and falsely swear*
41 *to any of such affidavits shall be deemed guilty of perjury.*

Sec. 2. WHEREAS, an emergency exists, therefore this Act shall go into effect
2 immediately upon its passage and approval by the Governor.



AMENDMENT TO

46th Assem.

HOUSE—No. 585

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 585 by striking out of said bill section 2.

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- 1 Introduced by Mr. Mills, April 14, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to create a State Art Commission and to define its powers and duties.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there is hereby created a commission to be
3 known as the State Art Commission of the State of Illinois.

Sec. 2. Said commission shall consist of two (2) painters, two (2) sculp-
2 tors, two (2) architects and two (2) other persons not engaged in any of the
3 aforesaid pursuits, all to be citizens and residents of the State of Illinois, who
4 shall be appointed by the Governor with the advice and consent of the Senate;
5 and of the Governor who shall be a member of said commission by virtue of
6 his office. The Governor shall in the first instance appoint one (1) painter,
7 one (1) sculptor, one (1) architect and one (1) other person whose terms of
8 office shall expire two years from July 1, 1909, and one (1) painter, one (1)

9 sculptor, one (1) architect and one (1) other such person whose terms of office
10 shall expire four years from July 1, 1909; and thereafter the terms of office
11 of the members of said commission shall be four years: *Provided*, that if a
12 vacancy occur for any reason in said commission the Governor shall appoint
13 a person of the same class to fill said vacancy who shall serve until the end
14 of the unexpired term of his predecessor.

Sec. 3. Said commission shall serve without compensation and shall have
2 power to adopt its own rules and to elect such officers from its own members
3 as may be deemed proper. Five (5) commissioners shall constitute a quorum
4 for all purposes.

Sec. 4. It shall be the duty of the commission to act in an advisory ca-
2 pacity relative to the creation, acquisition, construction, erection or remodelling
3 by the State, or upon any land owned by the State, of any work of art, and
4 relative to the artistic character of any building constructed, erected or remod-
5 eled by the State, or upon land owned by the State; and when, upon the request
6 of the Governor, there shall be submitted to said commission any plan, pro-
7 posal or offer relating or looking to the creation, acquisition, construction, erec-
8 tion or remodelling by the State, or on land or in a building owned by the State,
9 of any work of art, or relating to the erection, construction or remodelling of
10 a building to be owned by the State or on State land, and said plan, proposal
11 or offer is accompanied by such designs, descriptions, specifications, drawings
12 or models as shall be sufficient to enable the commission to determine the artis-
13 tic character of said work of art or of said building, it shall be the duty of
14 the commission to file with the Governor within sixty days from the submis-
15 sion of the matter descriptive of said work of art or buildings, its opinion,
16 either approving or condemning the same; to which the commission may add
17 such suggestions and recommendations as it deems proper; and the term "build-
18 ing" shall include structures intended for human occupations and use, and also

19 all bridges, arches, gates, walls or other permanent structures of any charac-
20 ter; and the term "work of art" as used herein is intended to include any
21 painting, portrait, mural decoration, stained-glass, statue, bas-relief, ornament,
22 fountain or any other article or structure of a permanent character intended
23 for decoration or commemoration.

-
- 1 Introduced by Mr. Stearns, April 14, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act concerning the publication of legal notices.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever it is required by law that any legal notice or publication shall be published in a newspaper in this State, it shall be held to mean a newspaper that has been regularly published for at least six months prior to the first publication of said notice.

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- 1 Introduced by Mr. Sollitt, April 14, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend an Act entitled "An Act to establish and maintain a system of free schools," approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 17 to 28, both inclusive, of article
3 IV of an Act entitled, "An Act to establish and maintain a system of free
4 schools," approved and in force May 21, 1889, be and the same are hereby
5 amended, and that said Act be and is hereby further amended by adding to
6 article VI of said Act nineteen additional sections to be numbered consecu-
7 tively from 29 to 47, which said section as amended and said additional sections
8 shall read as follows:

9 Sec. 17. Cities having a population exceeding 100,000 inhabitants shall
10 constitute one school district and shall maintain a thorough and efficient system
11 of free public schools, which shall be under the charge of a board of education,

12 and no power vested in such board of education, or in any of its officers, agents
13 or employes, shall be exercised by the city council of such city.

14 Sec. 18. The board of education shall consist of fifteen members, to be
15 appointed by the mayor with the approval of the city council, three of whom
16 shall be appointed for the term of one year, three for the term of two years,
17 three for the term of three years, three for the term of four years, and three for
18 the term of five years. Thereafter, at the expiration of the term of any member
19 of said board of education, his successor shall be appointed in like manner and
20 all members thus appointed and their successors shall hold office for the term of
21 five years from the first day of May of the year in which they are appointed. Any
22 vacancy which may occur in the membership of said board of education shall
23 be filled through appointment by the mayor with the approval of the city
24 council for the unexpired term. If any person so appointed shall fail to qualify
25 within thirty days after his appointment, the office shall be filled by a new ap-
26 pointment for the unexpired term. Members of the board of education shall
27 serve without compensation. Any member of the board of education may be re-
28 moved by the mayor, when requested in writing so to do by a majority of the
29 entire board, upon proof either of official misconduct in office or of neglect of
30 official duty, or of misconduct in any way connected with his official duties, or
31 otherwise, which tends to discredit his office or the school system, or for mental
32 or physical disability to perform his duty as a member, but before the re-
33 moval of such member, he shall receive a timely notice in writing of the
34 charges and a copy thereof and shall be entitled to a hearing on like notice be-
35 fore the mayor and to the assistance of counsel on said hearing.

36 Sec. 19. To be eligible for appointment to the board, a person shall be at
37 least twenty-five years of age and a citizen of the United States and shall have
38 been a resident of the city for at least five years immediately preceding his or
39 her appointment. Permanent removal from said city by any member of said

40 board during his or her term of office shall constitute a resignation therefrom
41 and create a vacancy in said board.

42 Sec. 20. Members of the board of education shall not, while serving as such
43 members, hold other public office under the federal, State or any local govern-
44 ment other than that of notary public or member of the National Guard, and
45 by accepting any such public office, while members of the board of education,
46 or by not resigning any such office held at the time of being appointed to the
47 board of education, within thirty days after such appointment, shall be deemed
48 to have vacated their membership in such board.

49 Sec. 21. Rules of the board of education shall be enacted or changed, money
50 appropriated or expended, salaries fixed or changed, courses of instruction
51 adopted or changed, only at the regular meetings of the board of education
52 and by a vote of a majority of the full membership of the board; and upon such
53 propositions and upon all propositions requiring for their adoption at least a
54 majority of all the members of the board, the yeas and nays shall be taken and
55 recorded. The said board shall keep a faithful record of all its proceedings in
56 well bound books.

57 Sec. 22. The board of education shall elect annually from its own number
58 a president and vice president in such manner and at such time after the yearly
59 appointment of new members and not later than the second regular meeting
60 of the board after such appointment, as the board may determine by its rules.
61 The president shall preside at the meetings of the board and shall have the
62 same power to vote at such meetings as any other member, but shall not have
63 the power of veto. He shall perform such duties as may be imposed upon him
64 by the rules of the board. The vice president shall perform the duties of the
65 president in case of the president's absence or inability to act, and shall perform
66 such other duties as may be imposed upon him by the rules of the board. The
67 board of education shall also elect a secretary.

68 Sec. 23. The board of education shall, by a vote of a majority of the full
69 membership of the board, appoint as executive officers, a superintendent of
70 education, who shall have general charge and control, subject to the approval
71 of the board, of the educational department of the public schools and the
72 employes therein, and a business manager, who shall have general charge and
73 control, subject to the approval of the board, of the business department of the
74 public schools and the employes therein, and who shall each hold office for a term
75 of four years, and may also appoint or provide for the appointment of such
76 other officers and employes as it may deem necessary pursuant to the pro-
77 visions of the civil service law, except as otherwise provided in section 25
78 hereof.

79 Sec. 24. The board shall prescribe the duties, compensation and terms of
80 office of all officers, except as herein provided, and the salary of no officer shall
81 be lowered during his term of office except by a *pro rata* reduction that may be
82 necessary in case of a general reduction affecting all employes. The board
83 shall also prescribe the duties and compensation of all of its employes and de-
84 termine which of its officers or employes shall give bond and in what amount.

85 Sec. 25. The appointment and removal of the superintendent of education
86 and business manager and of the attorney shall not be subject to the civil
87 service law, but such officers shall be removable only for cause by a vote of not
88 less than a majority of all the members of the board upon written charges to
89 be heard by the board, or a duly authorized committee of the same, upon due
90 notice to the officers against whom they are preferred, who shall have the privi-
91 lege of being present, offering evidence and making their defense thereto, but
92 pending the hearing of such charges the officers charged may by a two-thirds
93 vote be suspended by the board.

94 Sec. 26. All appointments of employes of the board of education, except
95 as herein otherwise provided, shall be made pursuant to the provisions of the
96 civil service law, and no employes shall be removed except for cause, upon
97 written charges, which shall be investigated and determined by the board of edu-
98 cation, whose action and decision in the matter shall be final. The hearing of
99 said causes, at which the person accused may be present, offer evidence and
100 make defense thereto, may be before a duly authorized committee of said
101 board. Teachers shall be exempt from the provisions of this section.

102 Sec. 27. The title of all property, real and personal, held for the use or
103 benefit of schools, shall be vested in the city in trust for the use of schools.

104 Sec. 28. The board of education may, with the concurrence of the city
105 council, acquire by purchase, condemnation or otherwise, real estate for school
106 purposes, including school buildings, play grounds and offices for the board of
107 education. Condemnation proceedings for the purpose of acquiring such prop-
108 erty shall be conducted in the name of the city in trust for the use of schools.

109 Sec. 29. The board of education shall have power, with the concurrence
110 of the city council, to erect or purchase buildings suitable for school houses
111 and school administration and keep the same in repair; and to issue bonds for
112 the purpose of building, furnishing and repairing school houses and school ad-
113 ministration buildings, and for purchasing sites for the same, and to provide
114 for the payment of said bonds; to borrow money for school purposes upon the
115 credit of the city.

116 Sec. 30. The board of education may rent buildings, rooms or grounds for
117 the use of schools, or for the purpose of school administration.

118 Sec. 31. The board of education shall have the power to let school prop-
119 erty on leasehold for a term not longer than ninety nine years from the date

120 of granting the lease; but it shall not make or renew any lease for a term longer
121 than five years without the concurrence of the city council, nor alter the pro-
122 visions of any lease heretofore or hereafter made whose unexpired term may
123 exceed five years, without such concurrence.

124 Sec. 32. The board of education may grant the use of assembly halls and
125 class rooms when not otherwise needed, including light, heat and attendants, for
126 free public lectures, concerts and other educational and social interests, free
127 of charge, but under such provisions and control as the board may see fit.

128 Sec. 33. No sale of real property used for school purposes, or held in trust
129 for schools, shall be made by the city council, except upon the written request
130 of the board of education. Personal property under the control of the board
131 of education and no longer needed for its purposes, may be sold under its
132 direction.

133 Sec. 34. All moneys raised by taxation for school purposes, or received
134 from the State common school fund, or from any other source for school pur-
135 poses, shall be held by the city treasurer as a separate fund for school pur-
136 poses, subject to the order of the board of education, upon the warrant of its
137 president and its secretary, to be countersigned by the mayor and city comp-
138 troller.

139 Sec. 35. Investments of school funds shall be made only in government,
140 State or municipal securities.

141 Sec. 36. The board of education shall, as often as yearly, and may, as often
142 as necessary, appoint certified public accountants to examine and audit the ac-
143 counts of the board of education and a report thereof, together with any recom-
144 mendation of such accountants as to changes in business methods of the board,
145 or any of its departments, officers or employes, shall be made to the mayor, the

146 city council and the board of education, and be spread upon the records of the
147 latter.

148 Sec. 37. The board of education shall make an annual report to the city
149 council. The board shall also prepare an annual report which shall include
150 the receipts, and expenditures of each school, specifying the source of such
151 receipts and the objects of such expenditures.

152 Sec. 38. The board of education shall exercise general supervision and
153 management of the public education and the public school system of the city,
154 and shall have power to make suitable provision for the establishment and
155 maintenance through the year, or for such portion of the year as it may direct,
156 of schools of all grades and kinds, including normal schools, night schools,
157 schools for defectives and delinquents, parental or truant schools, schools for
158 the blind, the deaf and the crippled, schools or classes in manual training, con-
159 structional and avocational teaching, domestic arts and physical culture, vaca-
160 tion and extension schools and lecture courses, and all other educational
161 courses and facilities. It shall have the power to co-operate with the juvenile
162 court and to make arrangements with public or quasi-public libraries and
163 museums, for the purpose of extending the privilege of such libraries and
164 museums to teachers and pupils of the public schools. And said board is em-
165 powered to acquire, anywhere within the county in which said city is situated,
166 by purchase or exchange, site or sites for normal, parental or truant schools,
167 schools for defectives, delinquents, blind, deaf or crippled children in the same
168 manner as is provided in the case of the purchase of public school sites in said
169 city, and authority is expressly granted for this purpose.

170 Sec. 39. The board of education shall establish by-laws, rules and regulations,
171 which shall have the force of ordinances, for the proper maintenance of a uniform
172 system of discipline and management of the schools, and may fix the school age

173 of pupils, the minimum of which in kindergarten schools shall not be under four
 174 years and in the grade schools shall not be under six years. It shall have the
 175 power to expel any pupil who shall be found guilty of gross disobedience or mis-
 175½conduct.

176 Sec. 40. The board of education shall have continuing power to divide the
 177 city into sub-districts and apportion the pupils to the several schools, but no
 178 pupils shall be excluded from or segregated in any such school on account of
 179 his or her race, color or nationality.

180 Sec. 41. The board of education shall have the power to prescribe the
 181 courses and methods of study in the various schools, and to employ teachers and
 182 other educational officers and fix their compensation.

183 Sec. 42. The board of education shall not add to the expenditures for
 184 school purposes anything over and above the amount that shall be received
 185 from the State common school fund, the rental of school lands or property and
 186 the amount annually appropriated for such purposes. If said board shall so add
 187 to such expenditures, the city shall not, in any case, be liable therefor. And
 188 nothing herein contained shall be construed so as to authorize any such board
 189 of education to levy or collect any tax upon the demand or under the direction
 190 of such board of education.

191 Sec. 43. The fiscal year of said board of education shall commence on Jan-
 192 uary 1, unless otherwise determined by rule of said board.

193 Sec. 44. The specification of the powers herein granted is not to be con-
 194 strued as exclusive, but the board of education shall exercise all powers that may
 195 be requisite or appropriate for the maintenance and fullest development of an
 196 efficient public school system, not inconsistent with the provisions of the gen-
 197 eral school law of the State.

198 Sec. 45. The superintendent of education shall have general charge and
199 control, subject to the approval of the board of education, of the courses of
200 study, text books, educational apparatus, discipline and conduct of the schools,
201 and shall perform such other duties as the board may by rule prescribe. Ap-
202 pointments, promotions and transfers of teachers, principals and assistant and
203 district superintendents, and all other educational officers, shall be made, and
204 text books and educational apparatus shall be introduced by the board of edu-
205 cation only upon his recommendation, unless it be by two-thirds vote of all the
206 members of the board. Text books shall not be changed oftener than once in
207 four years, except upon the recommendation of the superintendent, approved by
208 a two-thirds vote of all the members of the board.

209 Sec. 46. The superintendent of education and the business manager shall
210 be present at all public meetings of the board of education and shall have the
211 right to take part in its discussions and deliberations, but shall have no vote.

212 Sec. 47. A board of three examiners is hereby constituted, whose duty it
213 shall be to examine all applicants who are required to hold certificates to teach,
214 and the board of education shall issue gratuitously to those who pass a required
215 test of character, scholarship and general fitness, such certificates to teach as
216 they are found entitled to receive. Such board of examiners shall consist of
217 the superintendent of education, together with two persons appointed by the
218 board of education upon the nomination of the superintendent of education.
219 The board of examiners shall hold such examinations as the board of educa-
220 tion may prescribe, and shall prepare all necessary eligible lists, which shall be
221 kept in the office of the superintendent of education and be open to inspection by
222 members of the board of education and district superintendents. Members of
223 said board of examiners shall hold office for a term of four years. Appointments
224 and promotions of teachers and principals shall be made for merit only. and

225 after satisfactory service for a probationary period of three years, appoint-
226 ments of teachers and principals shall become permanent, subject to the rules
227 of the board concerning conduct and efficiency and subject to removal for
228 cause by a majority vote of the board of education, upon written charges after
229 a hearing before the board or a committee thereof.

AMENDMENTS TO

46th Assem.

HOUSE—No. 588

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 588, section 1, in line 3 of the printed bill, by striking out the Roman numerals "IV" and insert in lieu thereof the Roman numerals "VI." Also in line 6 of said section 1, strike out the word "nineteen" and insert the word "twenty."

AMENDMENT NO. 2.

Amend House Bill No. 588 in section 18 of the printed bill by striking out of said section all after the word "compensation" in line 27.

AMENDMENT NO. 3.

Amend House Bill No. 588 in section 35 of the printed bill by inserting in line 35 between the words "made" and "only" the words "by the Board of Education."

AMENDMENT NO. 4.

Amend House Bill No. 588 in section 38 of the printed bill by striking out of line 165 after the word "acquire" the words "anywhere within the county in which said city is situated."

AMENDMENT NO. 5.

Amend House Bill No. 588 in section 45 of the printed bill by inserting in line 201 after the word "prescribed" the words "pertaining to the educational department." Also in line 205 strike out the words "two-thirds" and insert in lieu

thereof the words "a majority;" also in line 208 strike out the words "two-thirds" and insert in lieu thereof the word "majority."

AMENDMENT NO. 6.

Amend House Bill No. 588 by inserting a new section to be known as section 45a, to read as follows:

Sec. 45a. The business manager shall have general charge and control, subject to the approval of the board of education, of all purchases, the making of contracts and leases, the condemnation of sites, the erection, construction, alteration and repair of school buildings, and all other matters not coming under the control of the educational department.

AMENDMENT NO. 7.

Amend House Bill No. 588 by adding at the end of section 47 of the printed bill, the following: "But the board need not retain in service more teachers and principals than in its judgment the needs of the schools require."

AMENDMENT NO. 8.

Amend House Bill No. 588 in section 23 by striking out of line 75 of the printed bill the words "four years," and insert in lieu thereof the words "one year."

- 1 Introduced by Mr. Keck, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section 87 of an Act entitled "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 87 of an Act entitled "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, be amended so that when amended the same shall read as follows, to-wit:

5 Sec. 87. Said bonds may be sold or paid to the contractor having the
6 contract for the improvement, for which the assessment was levied, at not less
7 than their par value and interest accrued to the time of delivery, whether sold
8 or paid to contractor; and shall, for the purposes of deposit, guarantee, in-
9 vestment or reserve, as contemplated and provided in and by the laws of this
10 State relating to fire, marine or inland navigation insurance companies, both
11 foreign and domestic, plate glass, accident or steam boiler insurance companies,

12 both foreign and domestic, life insurance companies, both foreign and domes-
13 tic, accident insurance companies, both foreign and domestic, including such
14 companies organized to do business on the assessment plan, fraternal benefi-
15 ciary societies, casualty insurance companies, both foreign and domestic, cor-
16 porations organized for the purpose of guaranteeing or insuring title to real
17 estate, surety companies organized for the purpose of guaranteeing the fidelity
18 of persons holding places of trust, and the performance by persons, firms and
19 corporations of contracts, bonds, recognizances and undertakings of every kind,
20 and of becoming surety on bonds required by law, and on every kind of con-
21 tract, recognizance and undertaking of persons, firms and corporations, be held
22 and considered bonds of such city, village or incorporated town, and as such
23 when approved in manner provided for the approval of other bonds for simi-
24 lar purposes, be acceptable to the Auditor of Public Accounts, Treasurer of
25 the State, Secretary of State, Superintendent of Insurance or Insurance Com-
26 missioner, or the financial agent or commissioner of any other state or foreign
27 country, as the case may be; and shall be regarded as a class of securities in
28 which the said several and various insurance companies or associations, frater-
29 nal beneficiary societies, corporations or surety companies are by law author-
30 ized, empowered or required to invest their funds or carry their reserve.

- 1 Introduced by Mr. Chipperfield, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend sections 20 and 21 of "An Act to revise the law in relation to State contracts," approved March 31, 1874, in force July 1, 1874, as amended by an Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 20 and 21 of "An Act to revise the law in relation to State contracts," approved March 31, 1874, in force July 1, 1874, as amended by an Act approved May 16, 1905, in force July 1, 1905, be and the same are hereby amended to read as follows:

Sec. 20. WORK—HOW EXECUTED.] The contractor for all printing under this Act shall execute, as promptly as the Commissioners of State Contracts may require, and in a manner acceptable to said commissioners and the printing expert, all orders for printing issued to him. It shall be incumbent on the contractor for any class of printing to provide such material and appliances

11 as are considered necessary by the Printer Expert for the prompt and work-
 12 manlike execution of the work, and the best quality of book ink shall be used
 13 in the presswork. The contractor for work in the second and fourth classes
 14 shall read and correct the first proof of all work done by him, and see that the
 15 same is reasonably free from errors, properly made up, uniform in style,
 16 punctuation and capitalization and conformable to copy furnished. A second
 17 proof shall then be sent to the Printer Expert, who shall read the same in
 18 connection with an assistant appointed by the Governor for that purpose, and
 19 whose salary shall be fixed at the sum of *twenty-one hundred dollars (\$2,100)*
 20 per year, payable monthly, upon bills to be certified by the Commissioners of
 21 State Contracts, and paid out of any money not otherwise appropriated. If
 22 additions or changes from copy be made in the second proof, the Printer Ex-
 23 pert shall designate the same, and the contractor shall promptly correct such
 24 proof and return it to the Printer Expert, with a revise, if required; and for
 25 making such changes the contractor shall be allowed such sum (to be esti-
 26 mated at forty cents per hour) as the Printer Expert may certify to the Com-
 27 missioners of State Contracts is equitable. If any job is rejected on account
 28 of error attributable to the contractor, he shall promptly reprint the job with-
 29 out additional charge.

30 Sec. 21. PRINTER EXPERT.] The Governor shall appoint a practical
 31 printer, who has had experience in estimating book and job work, and who
 32 has worked at his trade at least six years, to prepare the specifications upon
 33 which bids for public printing shall be made, to read proof, to measure the
 34 work, to estimate the amount of paper required for each job, and to exam-
 35 ine the accounts according to the provisions of this Act. Such practical
 36 printer shall be under the supervision of the Secretary of State, in his office;
 37 but in measuring and estimating the price of work and examining accounts,
 38 the Printer Expert shall not be subject to the orders of the Secretary. Any

39 conflict of opinion between the Secretary and the Printer Expert, above pro-
40 vided for, on the construction of this Act, or in reference to other matters
41 relating to the contracts for printing shall be referred to the Commissioners
42 of State Contracts and be decided by them. The said Printer Expert, before
43 entering upon the discharge of his duties, shall take and subscribe to an oath
44 that he will faithfully and honestly perform the duties imposed upon him,
45 which oath shall be filed in the office of the Secretary of State. He shall re-
46 ceive for his services a salary of *three thousand dollars (\$3000)* a year,
47 payable monthly, upon bills to be certified by the Commissioners of State
48 Contracts, and paid out of any money not otherwise appropriated, and shall
49 be subject to removal, at the pleasure of the Governor: *Provided*, that the
50 commissioners shall not be bound by the action, opinion or measurement of
51 said Printer Expert, but may inquire of and take the evidence of other ex-
52 perts upon all matters connected with said printing, but in no case shall they
53 raise the estimate.

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- 1 Introduced by Mr. Wheelan, April 14, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to enable cities and villages to donate to counties bridges, owned or constructed by cities or villages outside the city or village and to be forever for the use of the public and maintained by counties.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be lawful for any city or village with-
3 in this State by resolution to donate any bridge or bridges owned by it or here-
4 after constructed by it outside the city or village to the county in which said
5 bridge or bridges is located; upon the State highway commissioner certifying
6 to the county board of the county that the bridge or bridges is of such con-
7 struction and permanency to be safely used by the public for general use and
8 travel, and upon the filing of such resolution and certificate with the county
9 clerk of the county, the county shall own said bridge or bridges and forever
10 keep it or them open for public use.

- 1 Introduced by Mr. Scott, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Agriculture.

A BILL

For an Act to amend section number three of an Act entitled, "An Act to indemnify the owners of sheep in cases of damage committed by dogs," approved May 29, 1879, in force July 1, 1879, as amended by an Act approved and in force May 30, 1881, as amended by an Act approved and in force June 19, 1893, as amended by an Act approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 3 of an Act entitled, "An Act to in-
3 demnify the owners of sheep in cases of damage committed by dogs," approved
4 May 29, 1879, in force July 1, 1879, as amended by an Act approved and in
5 force May 30, 1881, as amended by an Act approved and in force June 19, 1893,
6 as amended by an Act approved April 21, 1899, in force July 1, 1899, be
7 amended to read as follows:

8 Sec. 3. It shall be the duty of the county treasurer and supervisors, hav-
9 ing the custody of the funds collected as license fees, as aforesaid, to pay the
10 same out in the manner following:

11 *First*—By such county treasurer to the owners of sheep or *angora goats*
12 in their respective counties, and by the supervisors to the owners of sheep or
13 *angora goats* in their respective towns, who shall make proof to them, before
14 the first Monday in March in each year, of loss or injury to sheep or *angora*
15 *goats* by dogs, other than their own, the full amount of the loss or injury so
16 proved, if there are funds sufficient to pay the same; if there be not sufficient
17 funds to pay such loss or injury in full then the owners of sheep or *angora*
18 *goats* so sustaining injury as aforesaid, and making proof thereof, as in this
19 Act provided, shall be paid out of such fund in proportion to his loss or injury
20 on his or her *pro rata* share thereof.

21 *Second*—Three years after the collection of such license fund, if there shall
22 remain in the hands of the town supervisor in counties under township organ-
23 ization, and (an) unexpended balance, such balance shall annually be turned
24 into the general fund of the county, or township, as the case may be, and shall
25 be used for the same purposes as money raised by general taxation.

26 *Provided*, that in townships in which there are no sheep, as shown by the
27 assessor's return for that year, the license fund collected for the preceding
28 year shall be turned into the general fund of the township on the first day of
29 April.

- 1 Introduced by Mr. Troyer, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards.

A BILL

For an Act to enable park commissioners to issue bonds to raise funds for the acquisition and improvement of additional small parks and pleasure grounds, and to provide a tax for the payment of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every board of public park commissioners in
3 this State, appointed or otherwise selected as such commissioners under and
4 in pursuance of any Act or Acts of the General Assembly of this State,
5 which has or have been or may be submitted to the legal voters of the
6 municipality in which such board of park commissioners shall exist, and by
7 them adopted, establishing, enclosing, improving and maintaining any public
8 park, boulevard, driveway, highway or other public work or improvement, hav-
9 ing selected, or which may hereafter select, any additional land or lands as sites

10 for small parks or pleasure grounds, pursuant to the provisions of an Act of the
11 General Assembly of the State of Illinois entitled, "An Act to enable park
12 commissioners to acquire, improve and maintain additional small parks or
13 pleasure grounds," approved and in force May 10, 1901, and which said land
14 or lands said board of park commissioners is or shall be unable to pay for or
15 improve out of its general revenues shall be and is hereby authorized and
16 empowered in its discretion to issue and sell in addition to the bonds now
17 authorized by law to be issued and sold by such board, interest bearing cou-
18 pon bonds to an amount not exceeding in the aggregate the principal sum of
19 one million (\$1,000,000) dollars for the purpose of raising funds for the
20 acquisition, improvement and completion of such additional small parks or
21 pleasure ground: *Provided*, no such bonds shall be issued under this Act in
22 contravention of the provisions of section twelve (12) of article nine (9) of
23 the constitution of this State: *And, provided, further*, that the proposition to
24 issue such bonds shall be submitted to a vote of the legal voters of such park
25 district at any general or special election and receive a majority of the votes
26 cast upon such proposition. And power and authority are hereby expressly
27 granted to such board of park commissioners issuing such bonds to levy and
28 collect a direct annual tax upon all the taxable property within the park dis-
29 trict under its jurisdiction, in addition to the amount of any tax now author-
30 ized by law to be levied and collected by it, sufficient to pay the interest on
31 such bonds as the same shall mature and become due, and also to pay and dis-
32 charge the principal thereof within twenty (20) years from the date of issuing
33 such bonds; and the county clerk of the county in which such park district
34 is located, or such officer or officers as are by law authorized to spread or assess
35 taxes for park purposes and other purposes, shall, on receiving a certificate
36 from such board of park commissioners, that the amount mentioned in such
37 certificate is necessary to pay the interest on such bonds and also to pay and
38 discharge the principal thereof as the same shall mature and become due,

39 spread and assess such amount upon the taxable property embraced in such
40 park district in the same manner as other park taxes or general taxes are
41 by law spread and assessed; and the same shall be collected and paid over
42 the same as other park taxes are required by law to be collected and paid.

Sec. 2. Said bonds may be issued in such form as such board of park
2 commissioners may determine and in the name of such board of park commis-
3 sioners and shall be signed by the president, attested by the secretary under
4 the corporate seal and countersigned by the treasurer of such board of park
5 commissioners: And they may be of the denomination of twenty-five (\$25.00)
6 dollars and any multiple thereof and shall bear interest at a rate not exceed-
7 ing five (5) per centum per annum, payable semi-annually and evidenced by
8 interest coupons attached thereto. The principal of said bonds shall be pay-
9 able at such place and at such time not exceeding twenty (20) years from the
10 date of the issue of such bonds as such board of park commissioners may de-
11 termine. Bonds issued under this Act may be sold by such board of park
12 commissioners at such prices as it shall deem expedient, but not, however, for
13 less than the par value thereof and the accrued interest thereon at the date
14 of sale and the proceeds arising from the sale of said bonds shall be used by
15 such board of park commissioners exclusively for the uses and purposes
16 therein set forth.

Sec. 3. The proceeds of the bonds herein authorized shall be used ex-
2 clusively for the purchase and improvement of the lots, blocks or parcels of
3 land which may be selected for such additional small parks and pleasure
4 grounds.

Sec. 4. WHEREAS, An emergency exists, therefore this Act shall take effect
2 and be in force from and after the date of its passage and approval.

Sec. 5. Any and all laws in conflict with this Act are hereby repealed.

- 1 Introduced by Mr. Cermak, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous Sub-
jects.

A BILL

For an Act authorizing cities, towns and villages to regulate the construction, loca-
tion, improvement and repair of buildings and structures.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the city council in cities, and the president and
3 trustees in towns and villages, shall have the power to regulate the use, con-
4 struction, location, improvement and repair of buildings or structures within
5 such city or village.

-
- 1 Introduced by Mr. Cermak, April 14, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act authorizing cities, towns and villages to regulate the construction, location, improvement and repair of buildings and structures and to create fireproof building districts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the city council in cities, and the president and
3 trustees in towns and villages, shall have the power to regulate the construc-
4 tion, location, improvement and repair of buildings or structures within such
5 city or village and to create districts within which no building other than those
6 defined by the ordinances of said city, town or village as fireproof shall be
7 erected.

- 1 Introduced by Mr. Cermak, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to amend an Act entitled "An Act relating to fire escapes," approved
and in force April 21, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled "An Act relating to fire
3 escapes," approved and in force April 21, 1899, be and the same is hereby
4 amended by adding thereto a new section to be known as section 6a, which
5 shall read as follows:

6 Sec. 6a. The provisions of this Act shall not be applicable to cities, vil-
7 lages and towns within the State of Illinois that have or may, by their proper
8 legislative authority pass or adopt ordinances, by-laws or resolutions govern-
9 ing the kind, number, location, material and construction of fire escapes to be
10 required on buildings within the corporate limits of such cities, villages and
11 towns.

- 1 Introduced by Mr. F. J. Wilson, April 14, 1909.
- 2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act to amend section 44 of "An Act for the assessment of property and providing the means therefor and to repeal a certain Act therein named," approved February 25, 1898, in force July 1, 1898.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 44 of an Act entitled, "An Act for the assessment of property and providing the means therefor, and to repeal a certain Act therein named," be amended so as to read as follows:

5 Sec. 44. Any assessor or deputy assessor, or member of the board of
6 review of assessments, or board of equalization, or other person whose duty
7 it is to assess property for taxation or equalize any such assessment, who shall
8 refuse or wilfully neglect any duty required of him by law, or who shall consent
9 to or connive at any evasion of the provisions of this Act whereby any prop-
10 erty required to be assessed shall be unlawfully exempt in whole or in part,

11 or the valuation thereof be set down at more or less than is required by law,
12 shall, upon conviction, be fined for each offense not less than one hundred dol-
13 lars (\$100) nor more than five thousand dollars (\$5,000), or imprisoned in the
14 county jail not exceeding one year, or both imprisoned and fined at the dis-
15 cretion of the court; he shall also be liable upon his bond to the party injured
16 for all damages sustained by such party as above provided, and shall also be
17 removed from office by the judge of the court before whom he is tried and
18 convicted. It is hereby made the duty of the State's attorney of each county
19 with the approval of the Attorney General, to institute, in courts of record of
20 competent jurisdiction, all proceedings necessary to prevent evasion of the
21 provisions of this Act, either by property owners or by public officials charged
22 with duties by this Act, whenever, in the judgment of said State's attorney
23 and the Attorney General, real or personal property shall have been unlaw-
24 fully exempted in whole or in part or shall have been fraudulently valued at
25 less than the valuations required by law, and no such proceedings shall be in-
26 stituted or conducted otherwise than by the joint action of said State's at-
27 torney and the Attorney General.

AMENDMENT TO

46th Assem.

HOUSE—No. 597

May 1909

AMENDMENT NO. 1.

Amend by striking out all of line 18, page 2, after the period following the word "convicted" and all of lines 19 to 27, both inclusive, on page 2, and insert in place of the words so stricken out the following words, to-wit:

"All actions and proceedings for the violation of or to prevent evasion of the provisions of this Act, either by property owners or by public officials charged with duties by this Act, shall be instituted and conducted by the State's attorney of the proper county with the approval of the Attorney General, and all civil actions and proceedings against property owners or public officials with respect to any unlawful exemption, evasion of assessment, under valuation or under-assessment of property shall be brought in the name of the proper county."

1 Introduced by Mr. Lyon, April 14, 1909.

2 Read by title, ordered printed and referred to Committee on Sanitary Affairs.

A BILL

For an Act to amend section eight of an Act entitled "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named," in force July 1, 1899, be amended to read as follows:

5 Sec. 8. That any itinerant vendor of any drug, nostrum, ointment or appliance of any kind intended for the treatment of diseases or injuries, who shall, by writing or printing, or any other method, profess to the public to cure or treat disease or deformity by any drug, nostrum or appliance, shall pay a license of \$100 per month into the treasury of the board, to be collected by the board in the name of the People of the State of Illinois, for the use of said board. And

11 it shall be lawful for the State Board of Health to issue such license on appli-
12 cation made to the said board, said license to be signed by the president of the
13 board and attested by the secretary with the seal of the board; but said board
14 may, for sufficient cause, refuse such license. And such itinerant vendor who
15 shall, by writing or printing, or any other method, profess to cure or treat dis-
16 ease or deformity by any drug, nostrum or appliance without a license so to do,
17 shall be deemed guilty of a violation of this section, and upon conviction shall
18 be subject to the penalties hereinafter provided: *And, provided, further, that*
19 *nothing in this Act shall be construed as to restrict or interfere with the ad-*
20 *vertisement or sale of patent or proprietary medicine in original packages, by*
21 *any person or corporation and the recommendation and sale thereof shall not*
22 *be deemed prescribing for bodily ailments and diseases, nor as treating or pro-*
23 *fessing to treat physical ailments or any physical injury or deformity of an-*
24 *other, within the meaning of section 7 of said before entitled Act.*

- 1 Introduced by Mr. Hilton, April 14, 1909.
- 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to provide for the inspection of locomotive boilers on railroads, and the care of steam locomotives on railroads, and steam and water cocks, and to provide a penalty for the violations of the provisions of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* INSPECTION OF LOCOMOTIVE BOILERS.] It shall be the
3 duty of every railroad corporation operated by steam power, within the State,
4 and of the directors, managers or superintendents of such railroads to cause
5 thorough inspections to be made of the boilers and their appurtenances of all
6 the steam locomotives which shall be used by such corporation or corporations
7 on said railroads. Said inspections shall be made at least every three months,
8 under the direction and superintendence of said corporations or the directors,
9 managers or superintendents thereof, by persons of suitable qualifications and
10 attainments to perform the services required of inspectors of boilers, and who

11 from their knowledge of the construction and use of boilers and the appurten-
12 ances therewith connected, are able to form a reliable opinion of the strength,
13 form, workmanship and suitableness of boilers, to be employed without hazard
14 of life, from imperfections in material, workmanship or arrangement of any
15 part of such boiler and appurtenances. All such boilers so used shall comply
16 with the following requirements: The boilers must be made of good and suit-
17 able materials; the openings for passage of water and steam respectively, and
18 all pipes and tubes exposed to heat shall be of proper dimensions; the safety
19 valves, fusible plugs, low water glass indicator, gauge cocks, and steam gauges,
20 shall be of such construction, condition and arrangement that the same may
21 be safely employed in the active service of the railroad corporation without
22 peril to life; and each inspector shall satisfy himself by thorough examination
23 that said requirements have been fully complied with. No boiler nor any con-
24 nection therewith shall be approved which is unsafe in its form, or dangerous
25 from defects, workmanship or other cause. The person or persons, who shall
26 make the said inspections if he or they approve of the boiler or boilers and the
27 appurtenances throughout, shall make and subscribe his or their name to a
28 written or printed certificate which shall contain the number of each boiler in-
29 spected, the date of its inspection, the condition of the boiler inspected and
30 such details as may be required by the forms and regulations which shall be
31 prescribed by the Railroad and Warehouse Commissioners. Every certificate
32 shall be verified by the oath of the inspector, and he shall cause said certificate
33 or certificates to be filed in the office of the Railroad and Warehouse Commis-
34 sioners within ten days after each inspection shall be made, and also a copy
35 thereof with the chief operating officer or employes of such railroad having
36 charge of the operation of such locomotive boiler. A copy shall also be placed
37 by such officer or employe in a conspicuous place in the cab connected with the
38 locomotive boiler inspected and there kept framed under glass. The Railroad
39 and Warehouse Commissioners shall have power, from time to time, to formu-

40 late rules and regulations for the inspection and testing of boilers as afore-
 41 said, and may require the removal of incompetent inspectors of boilers, under
 42 the provisions of this Act. Copies of such rules and regulations shall be
 43 mailed to every corporation operating a railroad by steam in this State. If
 44 it shall be ascertained by such inspection and test, or otherwise, that any loco-
 45 motive boiler is unsafe for use, the same shall not again be used until it shall
 46 be repaired and made safe, so as to comply with the requirements of this
 47 section. Every corporation, director, manager or superintendent operating
 48 such railroad and violating any of the provisions of this section shall be liable
 49 to a penalty to be paid to the People of the State of Illinois, of one hundred
 50 dollars for each offense, and a further penalty of one hundred dollars for each
 51 day it or they shall omit or neglect to comply with said provisions; and the
 52 making or filing of a false certificate shall be a misdemeanor, and every in-
 53 spector who wilfully certifies falsely touching any steam boiler, or any appur-
 54 tenances thereto belonging, or any matter or thing contained or required to be
 55 contained in any certificate, signed and sworn to by him, shall be guilty of a
 56 misdemeanor. Any person, upon application to the secretary of said Board
 57 of Railroad and Warehouse Commissioners, and on the payment of such reason-
 58 able fee as said board may by rule fix, shall be furnished with a copy of any
 59 such certificate.

Sec. 2. STATE INSPECTOR OF LOCOMOTIVE BOILERS.] Within twenty days after
 2 this section takes effect, the State Railroad and Warehouse Commission shall
 3 appoint a competent person as inspector of locomotive boilers, who shall re-
 4 ceive a compensation to be fixed by the commission, not exceeding three
 5 thousand dollars per year. Such inspector shall under the direction of the
 6 commission, inspect boilers or locomotives used by railroad corporations oper-
 7 ating steam railroads within the State and may cause the same to be tested
 8 by hydrostatic test and shall perform such other duties in connection with the

9 inspection and test of locomotive boilers as the commission shall direct. But
10 this section shall not relieve any railroad corporation from the duties imposed
11 by the preceding section.

Sec. 3. THE CARE OF STEAM LOCOMOTIVES—STEAM AND WATER COCK—PEN-
2 ALTY.¹ It shall be the duty of every corporation operating a steam railroad
3 within this State, and of its directors, managers or superintendents, to cause
4 the boiler of every locomotive used on such railroad to be washed out as often
5 as once every thirty days, and to equip each boiler with, and maintain there-
6 on at all times, a water glass, showing the height of water in the boiler, hav-
7 ing two valves or shut-off cocks, one at each end of such glass, which valves
8 or shut-off cocks shall be so constructed that they can be easily opened and
9 closed by hand; also to cause such valve or shut-off cocks and all gauge
10 cocks or try-cocks attached to the boiler to be removed and cleaned whenever
11 the boiler is washed out pursuant to the foregoing requirements of this sec-
12 tion; also to keep all steam valves, cocks and joints, studs, bolts and seams
13 in such repair that they will not at any time emit steam in front of the engi-
14 neer so as to obscure his vision. No locomotive shall hereafter be driven in
15 this State unless the same is equipped and cared for in conformity with the
16 the provisions of this section. But nothing here contained shall be construed
17 to excuse the observance of any other requirement imposed by this chapter
18 upon railroad corporations, their directors, officers, managers and superin-
19 tendents. Every corporation, person or persons operating a steam railroad
20 and violating any of the provisions of this section shall be liable to a
21 penalty of one hundred dollars for each offense, and the further penalty of
22 ten dollars for each day that such violation shall continue. The Board of Rail-
23 road and Warehouse Commissioners shall enforce the provisions of this Act.

Sec. 4. All Acts or parts of Acts inconsistent herewith are hereby
2 repealed.

1 Introduced by Committee on Revenue, April 15, 1909.

2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to amend section 9 of "An Act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act approved May 13, 1897, in force July 1, 1897; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 11, 1905, in force July 1, 1905; as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 9 of an Act entitled "An Act to create
3 sanitary districts and remove obstructions in the Desplaines and Illinois
4 rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act
5 approved May 13, 1897, in force May 13, 1897; as amended by an Act approved
6 May 10, 1901, in force July 1, 1901; as amended by an Act approved May 11,

7 1905, in force July 1, 1905; as amended by an Act approved May 25, 1907, in
8 force July 1, 1907, be amended so as to read as hereinafter set forth:

9 Sec. 9. The corporation may borrow money for corporate purposes, and
10 may issue bonds therefor, but shall not become indebted in any manner, or for
11 any purpose, to an amount in the aggregate to exceed *three* (3) per centum
12 of the valuation of taxable property therein, to be ascertained by the last
13 assessment for State and county taxes previous to incurring of such in-
14 debtedness.

-
- 1 Introduced by Mr. Lantz, April 15, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to define trusts and conspiracies against trade, declaring contracts in violation of this Act void, making certain Acts in violation thereof felonies and prescribing punishment therefor, and matters connected therewith.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That a trust is a combination of capital, skill or
3 acts by two or more persons, firms, corporations or associations of persons, or
4 either two or more of them, for either, any, or all of the following purposes:
5 (1). To create, or which may tend to create or carry out, restrictions in
6 trade or commerce or aids to commerce or in the preparation of any product
7 for market or transportation, or to create or carry out restrictions in the free
8 pursuit of any business or profession authorized or permitted by the laws of
9 this State.

10 (2). To fix, maintain, increase or reduce the price, quality or quantity of
11 merchandise, produce, commodities, or professional service or of the prepara-
12 tion of any product for market or transportation.

13 (3). To prevent or lessen competition in the manufacture, making, trans-
14 portation, sale or purchase of merchandise, produce or commodities, or to pre-
15 vent or lessen competition in aids to commerce, or in the preparation of any
16 product for market or transportation.

17 (4). To fix or maintain any standard or figure whereby the price of
18 any article or commodity of merchandise, produce or commerce, or the cost of
19 transportation, or insurance, or the preparation of any product for market or
20 transportation, shall be in any manner affected, controlled or established.

21 (5). To make, enter into, maintain, execute or carry out any contract, ob-
22 ligation or agreement by which the parties thereto bind, or have bound, them-
23 selves not to sell, dispose of, transport, or to prepare for market or trans-
24 portation, any article or commodity, or to make any contract of insurance at a
25 price below a common standard or figure, or by which they shall agree in any
26 manner to keep the price of such article or commodity or charge for trans-
27 portation or insurance, or the cost of the preparation of any product for mar-
28 ket or transportation at a fixed or graded figure, or by which they shall in any
29 manner affect or maintain the price of any commodity or article or the cost
30 of transportation or insurance or the cost of the preparation of any product
31 for market or transportation between them or themselves and others, to pre-
32 clude a free and unrestricted competition among themselves or others in the
33 sale or transportation of any such article or commodity or business of trans-
34 portation, or the preparation of any product for market or transportation, or
35 by which they shall agree to pool, combine or unite any interest they may
36 have in connection with the sale or purchase of any article or commodity, or
37 charge for transportation, or charge for the preparation of any product for

38 market or transportation whereby its price or such charge might be in any
39 manner affected.

40 (6). To regulate, fix or limit the output of any article or commodity which
41 may be manufactured, mined, produced, or sold, or the amount of insurance
42 which may be undertaken, or the amount of work that may be done in the prep-
43 aration of any product for market or transportation.

44 (7). To abstain from engaging in, or continuing business, or from the pur-
45 chase or sale of merchandise, produce or commodities partially or entirely
46 within the State of Illinois, or any portion thereof.

Sec. 2. That a monopoly is a combination or consolidation of two or
2 more corporations when effected in either of the following methods:

3 (1). When the direction of the affairs of two or more corporations is in
4 any manner brought under the same management or control for the purpose
5 of producing, or where such common management or control tends to create a
6 trust as defined in the first section of this Act.

7 (2). Where any corporation acquires the shares or certificate of stock or
8 bonds, franchise or other rights, or the physical properties, or any part there-
9 of, of any other corporation or corporations, for the purpose of preventing
10 or lessening, or where the effect of such acquisition is accomplished directly or
11 through the instrumentality of trustees or otherwise.

Sec. 3. That either or any of the following acts shall constitute a con-
2 spiracy in restraint of trade:

3 (1). Where any two or more persons, firms, corporations, or associations
4 of persons who are engaged in buying or selling any article of merchandise,
5 produce or commodity, enter into an agreement or understanding to refuse to
6 buy from or sell to any other person, firm, corporation, or association of per-
7 sons any article of merchandise, produce or commodity.

8 (2). Where any two or more persons, firms, corporations, or associations
9 of persons shall agree to boycott or threaten to refuse to buy from or sell to
10 any person, firm, corporation or association of persons for buying from or sell-
11 ing to any other person, firm, corporation or association of persons.

Sec. 4. Any and all trusts, monopolies and conspiracies in restraint of
2 trade as herein defined are hereby prohibited and declared to be illegal.

Sec. 5. Any corporation holding a charter under the laws of the State
2 of Illinois which shall violate any of the provisions of this Act shall thereby
3 forfeit its charter and franchise, and its corporate existence shall cease and
4 determine.

Sec. 6. For a violation of any of the provisions of this Act by any corpo-
2 ration mentioned therein, it shall be the duty of the Attorney General, upon
3 his own motion and without leave or order of any judge or court, to institute
4 suit or quo warranto proceedings in the circuit court of Sangamon county, or
5 in the circuit court of any county in the State, where such corporation exists,
6 does business, or may have a domicile, for the forfeiture of its charter rights
7 and franchise, and the dissolution of its corporate existence.

Sec. 7. When a corporation organized under the laws of this State shall
2 have been convicted of a violation of any of the provisions of this Act, and
3 its charter and franchise has been forfeited, as provided in section 5, no other
4 corporation to which the defaulting corporation may have transferred its prop-
5 erties and business, or which has assumed the payment of its obligations,
6 shall be permitted to incorporate or do business in Illinois.

Sec. 8. Every foreign corporation violating any of the provisions of this
2 Act is hereby denied the right, and is prohibited from doing any business
3 within this State, and it shall be the duty of the Attorney General to enforce

4 this provision by injunction or other proceedings in the circuit court of San-
 5 gamon county or any other county wherein such corporation is doing business
 6 in the name of the People of the State of Illinois.

Sec. 9. When any foreign corporation has been convicted of a violation
 2 of any of the provisions of this Act, and its right to do business in this
 3 State has been forfeited, as provided in section 8 of this Act, no other corpo-
 4 ration to which the defaulting corporation may have transferred its proper-
 5 ties and business, or which has assumed the payment of its obligations, shall
 6 be permitted to incorporate or do business in Illinois.

Sec. 10. It shall be the duty of the Secretary of State, on or about the
 2 first day of September of each year, to address to the president, secretary or
 3 treasurer of each incorporated company doing business in this State, whose
 4 postoffice address is known or may be ascertained, a letter of inquiry as to
 5 whether the said corporation has all or any part of its business or interests
 6 in or with any trust, combination or association of persons or stockholders,
 7 as named in the preceding provisions of this Act, and to require an answer,
 8 under oath, of the president, secretary or treasurer or any director of said
 9 company. A form of affidavit shall be inclosed in said letter of inquiry
 10 as follows:

11 STATE OF ILLINOIS, }
 12 COUNTY OF..... } ss.

13 I,, do solemnly swear that I am the.....
 14 (president, secretary, treasurer or director) of the corporation known and
 15 styled, duly incorporated under the laws
 16 of the.....on the.....day of....., 19...,
 17 and now transacting or conducting business in the State of Illinois, and that
 18 I am duly authorized to represent said corporation in the making of this affi-
 19 davit; and I do further solemnly swear that the said.....
 20 known and styled as aforesaid has not, since the.....day of.....

21 (naming the day upon which this Act takes effect) created, entered into or
22 become a member of or a party to and was not on the....day of.....,
23 nor at any day since that date and is not now, a member of or a party to
24 any pool, trust, agreement, combination, confederation or understanding with
25 any other corporation, partnership, individual or any other person or associa-
26 tion of persons, to regulate or fix the price of any article of merchandise or
27 commodity, and that it has not entered into or become a member of or a party
28 to any pool, trust, agreement, contract, combination, confederation or under-
29 standing to fix or limit the amount of quantity or quality of any article, com-
30 modity or merchandise to be manufactured, mined, produced or sold in this
31 State; or to regulate the sale or transportation of the same, and that it has not
32 issued and does not own any trust certificates, and for any corporation, agent,
33 officer or employe or for the directors or stockholders of any corporation has
34 not entered into and is not now in any combination, contract or agreement
35 with any person or persons, corporation or corporations, or with any stock-
36 holder or director thereof, the purpose and effect of which said combination,
37 contract or agreement would be to place the management or control of such
38 corporation, combination or combinations, or the manufactured product there-
39 of, in the hands of any trustee or trustees with the intent to limit or fix the
40 price or lessen the production and sales of any article of commerce, use or
41 consumption, or to prevent, restrict or diminish competition in the manufac-
42 ture, production or output or sale or transportation of any such article.

43
44 (President, Secretary, Treasurer or
45 Director.)

46 Subscribed and sworn to before me, a.....within
47 and for the county of....., in the State of Illinois, the.....
48 day of....., 19...

49
50 (Name of officer.)

51 (Seal.)

52 And such affidavit shall be sworn to by some one of such officers of such
53 corporation before some person in the State of Illinois authorized to adminis-
54 ter oaths, and any person who shall wilfully, corruptly or falsely swear to
55 such affidavit shall be guilty of perjury; and on refusal to make oath in

56 answer to said inquiry, or for failure to do so within thirty days from the
57 mailing thereof, the Secretary of State shall certify the fact to the Attorney
58 General, whose duty it shall be to direct the State's Attorney of the county
59 wherein such corporation or corporations are located or doing business, and it
60 is hereby made the duty of the State's attorney, under the direction of the
61 Attorney General, at the earliest possible or practicable moment, in the name
62 of the People of the State of Illinois, and at the relation of the Attorney Gen-
63 eral, to proceed against such corporation for the recovery of a penalty of fifty
64 dollars (\$50) for each day after the refusal to make oath, or failure to make
65 said oath within thirty days from the mailing of said notice. Or, the Attor-
66 ney General may, by any proper proceedings in a court of law or chancery,
67 proceed upon such failure or refusal to forfeit such charter of such incorpo-
68 rated company or association incorporated under the general laws or by any
69 special law of this State, and to revoke the rights and enjoin the further con-
70 duct of the business in this State of any foreign corporation located herein
71 or doing or transacting business in this State.

Sec. 11. Each and every firm, person, corporation or association of per-
2 sons who shall in any manner violate any of the provisions of this Act shall,
3 for each and every day that such violation shall be committed or continued,
4 forfeit and pay the sum of fifty dollars, which may be recovered in the name
5 of the People of the State of Illinois in any county where the offense is com-
6 mitted or where either of the offenders reside, or in Sangamon county, and it
7 shall be the duty of the Attorney General, or the State's attorney under the
8 direction of the Attorney General, to prosecute for the recovery of the same,
9 and any State's attorney or the Attorney General securing a conviction under
10 the provisions of this Act shall be entitled, in addition to such fee or salary
11 as by law he is allowed for such prosecution, to one-fifth of the fine recov-
12 ered. When the Attorney General and State's attorney act in conjunction in

13 the prosecution of any action hereunder, they shall be entitled to one-fourth of
14 the fine recovered, which they shall divide equally between them, where there
15 is no agreement to the contrary.

Sec. 12. Any contract or agreement in violation of the provisions of this
2 Act shall be absolutely void and not enforceable either in law or equity.

Sec. 13. And in addition to the penalties and forfeitures herein pro-
2 vided for, every person violating this Act may further be punished by impris-
3 onment in the penitentiary not less than one nor more than ten years.

Sec. 14. In prosecutions for the violation of any of the provisions of
2 this Act, evidence that any person has acted as the agent of a corporation in
3 the transaction of its business in this State shall be received as *prima facie*
4 proof that his act in the name, behalf or interest of the corporation of which
5 he was acting as the agent, was the act of the corporation.

Sec. 15. Upon the application of the Attorney General, or of any State's
2 attorney, made to any justice of the peace or judge of a municipal court in
3 this State, and stating that he has reason to believe that a witness, who is to
4 be found in the county of which such justice of the peace is an officer, knows
5 of a violation of any of the provisions of this Act, it will be the duty of the
6 justice of the peace or judge to whom such application is made, to have sum-
7 moned and to have examined such witness in relating to violations of any of
8 the provisions of this Act, said witness to be summoned as provided for in
9 criminal cases. The said witness shall be duly sworn and the justice of the
10 peace or judge shall cause the statements of the witness to be reduced to writ-
11 ing and signed and sworn to before him, and such sworn statement shall be de-
12 livered to the Attorney General, or State's attorney, upon whose application
13 the witness was summoned. Should the witness summoned, as aforesaid, fail

14 to appear, or to make statement of the facts within his knowledge under oath
15 or to sign the same after it has been reduced to writing, he shall be guilty
16 of contempt of court and may be fined not exceeding one hundred dollars, and
17 may be attached and imprisoned in the county jail until he shall make a full
18 statement of all the facts within his knowledge with reference to the matter
19 inquired about. Any person so summoned and examined shall not be liable to
20 prosecution for any violation of the provisions of this Act about which he may
21 testify fully and without reserve.

Sec. 16. All actions or prosecutions authorized and brought under this
2 Act shall have precedence, on motion of the State's attorney or the Attorney
3 General, of all other business, civil or criminal, except criminal cases where
4 the defendants are in jail.

Sec. 17. Nothing in this Act shall be held or construed to affect or de-
2 stroy any rights of the State of Illinois to recover penalties or forfeit char-
3 ters of domestic corporations, or prohibit foreign corporations from doing busi-
4 ness in this State, for acts committed before this Act takes effect: *And, pro-*
5 *vided, further,* nothing in this Act shall be held to apply to labor unions or
6 agricultural products or live stock while in the hands of the producer or
7 raiser.

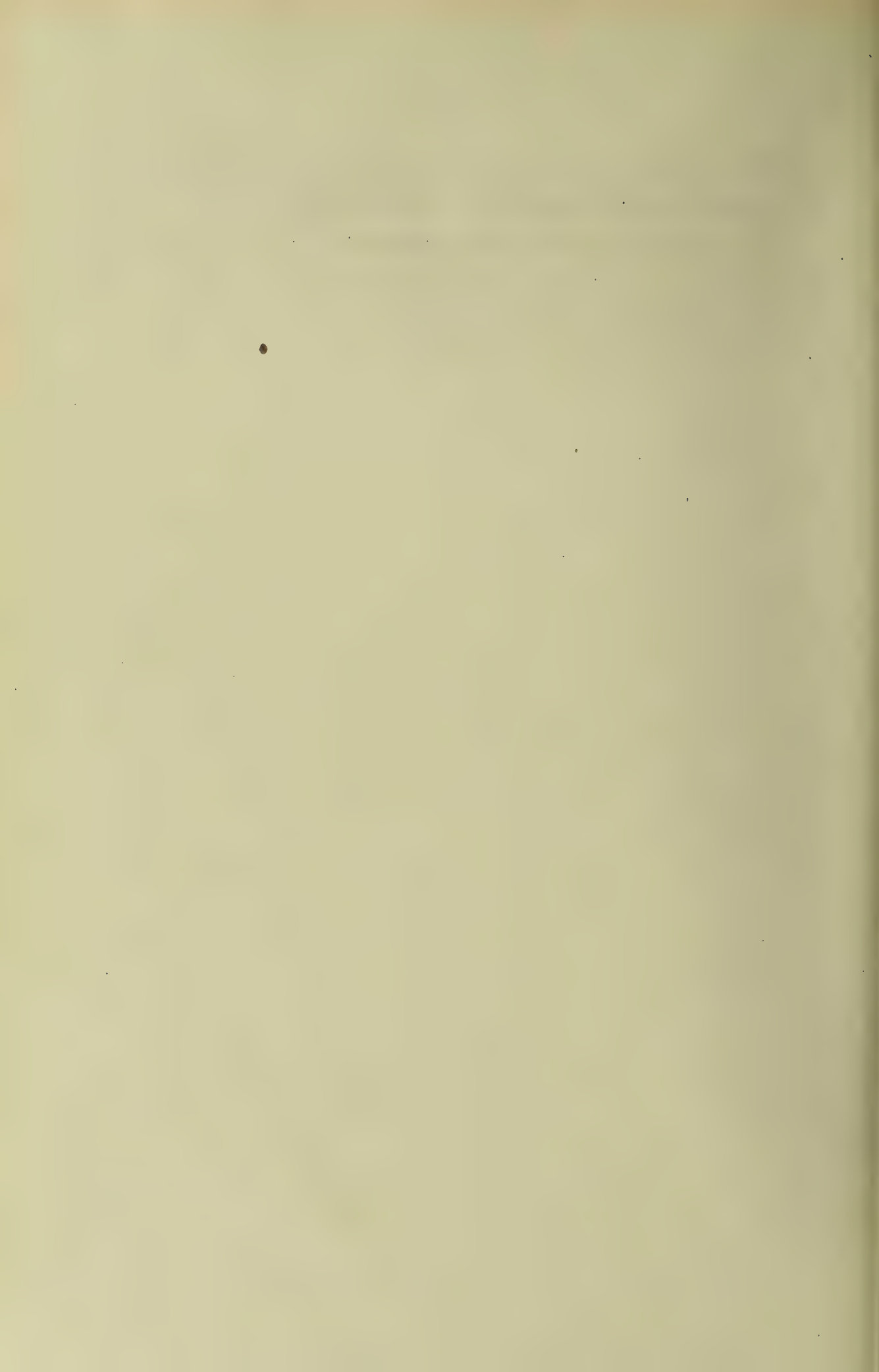
Sec. 18. In any indictment for any offense named in this Act it shall be
2 sufficient to state the purposes and effects of the trust or combination, and that
3 the accused was a member of, acted with or in pursuance of it, without giving
4 its name or description or how or where it was created.

Sec. 19. In prosecution under this Act it shall be sufficient to prove that
2 a trust or combination, as defined herein, existed, and that the defendant be-
3 longed to it, or acted for or in connection with it, without proving all the

4 members belonged to it, or proving or producing any article of agreement or
5 any written instrument on which it may have been based, or that it was evi-
6 denced by any written instrument at all.

Sec. 20. Any purchaser of any article or commodity from any individual,
2 company, corporation or association transacting business in this State contrary
3 to any of the provisions of this Act shall not be liable for the price or pay-
4 ment of such article or commodity and may plead this Act as a defense to any
5 suit for such price or payment, and any such purchaser or other person
6 claiming to be injured by reason of any such pool, agreement, contract, combi-
7 nation, confederation or understanding may file a bill of complaint in equity
8 in the nature of a bill of discovery in the name of the People of the State of
9 Illinois, upon the relation of any such purchaser or person claiming to be in-
10 jured, setting forth the facts of the existence of such pool, agreement, con-
11 tract, combination, confederation or understanding and the manner in which
12 such person claims to have been injured, and such persons shall be entitled
13 to have a temporary injunction issue against any such person, co-partnership
14 or corporation alleged to be a party to such pool, agreement, contract, combi-
15 nation, confederation or understanding having or claiming to have any claim
16 against such purchaser or person claiming to be aggrieved or injured, re-
17 straining and enjoining them, and each of them, from prosecuting said alleged
18 claim or claims, and upon the trial of said cause and upon the proof that any
19 such person, co-partnership or corporation is a party to such pool, agreement,
20 contract, combination, confederation or understanding, such purchaser or person
21 claiming to having been injured shall be entitled to have any such alleged
22 claim or demand of such person, co-partnership or corporation against such
23 purchaser or aggrieved person cancelled, and he shall be further permitted to
24 prove whatever damages have been sustained by reason of such pool, agree-
25 ment, contract, combination, confederation or understanding, and shall be en-

26 titled to have a decree entered for the amount of such damages; and upon the
27 final hearing the court shall grant a perpetual injunction against all such per-
28 sons, co-partnerships, corporations or associations found to be doing business
29 in violation of this Act, restraining and enjoining them from further continua-
30 tion of such business in the State of Illinois.



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- 1 Introduced by Mr. Donahue, April 15, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 2 of an Act entitled "An Act to authorize the judges of county courts to appoint shorthand reporters for the taking and preservation of evidence, and to provide for their compensation in counties having a population not more than two hundred thousand," approved May 14, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 2 of an Act entitled, "An Act to authorize the judges of county courts to appoint shorthand reporters for the taking and preservation of evidence, and to provide for their compensation in counties having a population not more than two hundred thousand," approved May 14, 1903, in force July 1, 1903, be amended to read as follows:

Sec. 2. The said reporter shall take full stenographic notes of the evidence in all trials in the court, for which he is appointed, in all cases which are ap-

9 pealable directly to either the appellate or Supreme Court, and furnish forth-
10 with one transcript of the same, correctly made, to either party to the suit,
11 upon the request of such party or his attorney. The compensation of said re-
12 porter for taking such stenographic notes shall be eight dollars (\$8.00) per day
13 for each day of his actual attendance upon the trials of such cases as are ap-
14 pealable direct to either the appellat or Supreme Court. The judge of the court
15 shall furnish to said reporter, at the close of each term of court, a certificate
16 showing the amount due him at such per diem, and, upon presentation to the
17 county treasurer of such county, the county treasurer shall pay the same out of
18 any funds of such county in his hands. Said reporters shall be allowed to charge
19 not to exceed fifteen cents per hundred words, said amount to be fixed by the
20 court, for making transcript of said stenographic notes, to be paid in the first
21 instance by the party on whose behalf such transcript is ordered and allowed,
22 and taxed as costs in the suit, and the transcript when so paid by the party or-
23 dering it and the charges for the same is taxed as costs, the same shall be filed
24 and remain with the papers in the case: *Provided, always*, that the charges for
25 making but one transcript may be taxed as costs, the party first ordering the
26 transcript shall have the preference, unless it shall be otherwise ordered by the
27 court.

- 1 Introduced by Mr. Hruby, April 15, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act fixing the rate of interest that may be charged on certain loans and making certain requirements as to the security given for the payment of such loans.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any person, firm or corporation that may
3 hereafter loan any sum of money and take a security for the re-payment of
4 the same any mortgage, bill of sale intended to operate as a mortgage, or any
5 other obligation or contract, involving as security the forfeiture of rights in
6 household goods, horses, mules or wagons, or any tools or implements required
7 by any person in his trade or occupation, or take as such security any form of
8 an assignment or transfer or of lien upon the salary, wages or other compen-
9 sation of any person, shall be permitted to charge as interest on any such loan
10 a rate not in excess of eighteen (18 per centum) per centum per annum, and
11 shall not charge as such interest at a rate in excess of eighteen (18per centum)
12 per centum per annum.

Sec. 2. The word "interest" as used in this Act shall include any and
2 all charges as and for commissions for the procurement of any such loan and
3 any and all charges for inspection or supervision of any property involved as
4 such security, as well as any charge for the preparation of the evidences of
5 such loan of such security.

Sec. 3. No person, firm or corporation shall be engaged wholly or in
2 part in the business of making such loans secured wholly or in part by any of
3 the classes of security enumerated in section 1 thereof, unless at the time of
4 being so engaged such person, firm or corporation shall have on file in the office
5 of the county clerk of each county in which such person, firm or corporation
6 is carrying on such business, a statement showing the name or names and busi-
7 ness address of the person, firm or corporation so engaged, and if such busi-
8 ness is being carried on by a firm, the full name and business address of each
9 member of such firm.

Sec. 4. No person, firm or corporation shall enter upon or carry on the
2 business of loaning money and taking as security thereon, either wholly or in
3 part for the repayment thereof, any of the classes of security enumerated in
4 section 1 hereof until such person, firm or corporation shall also have filed in
5 the office of the county clerk of each county in which such person, firm or
6 corporation is carrying on such business, a bond in the penal sum of five thou-
7 sand dollars (\$5,000), executed by such person, firm or corporation as princi-
8 pal and with surety or sureties to the approval of such county clerk, which
9 bond shall run to the State of Illinois for the use of any person or persons
10 who may have a cause of action against the obligor of said bond under the
11 provisions of this Act, and shall be conditioned that the said obligor will con-
12 form to each and every provision of this Act, and shall pay to any such per-
13 son or persons having such cause of action any and all moneys that would be

14 due such person or persons from the said obligor under and by virtue of the
15 provisions of this Act.

Sec. 5. No person, firm or corporation shall make any loan of money, the
2 repayment of which is secured wholly or in part by any of the classes of se-
3 curity enumerated in section 1 hereof, unless each and every written evidence
4 of such obligation or security shall contain the recital of the exact amount of
5 money so loaned together with the rate of interest per annum that the bor-
6 rower has agreed to pay to such lender for the use of same. It shall be the
7 duty of the owner or holder of any such obligation, and any of his employes
8 or representatives having authority to receive the payment or part payment
9 thereof, to furnish, on request, to the person making any payment thereon, a
10 statement in writing signed in the name of such owner or holder, by the per-
11 son receiving such payment, which statement shall show the amount and date
12 of the making of such payment; and it shall be unlawful for any such per-
13 son, firm or corporation, or any person representing any such person, firm or
14 corporation, to assign or transfer any such obligation or evidence of indebted-
15 ness or any such evidences of security until such person, firm or corporation
16 shall have endorsed on such written evidence of such indebtedness or such se-
17 curity, a statement showing the exact amount or amounts of any and all pay-
18 ments or credits that have been made upon such loan so evidenced.

Sec. 6. If any person, firm or corporation so engaged in the business of
2 loaning money and taking as security, either wholly or in part, for the repay-
3 ment of same, any of the classes of security enumerated in section 1 hereof,
4 shall charge as interest on said loan a rate or amount in excess of eighteen
5 (18 per centum) per centum per annum upon the amount of money actually so
6 loaned, the obligation of any person or persons making such loan to pay any in-
7 terest thereon, and any and all security given for the repayment of said loan
8 and interest thereon, shall be absolutely void and no action or suit for the en-

9 forcement or foreclosure of any such security as enumerated in section one
10 (1) of this Act shall be brought except in a court of equity, and every defend-
11 ant to such action shall be entitled to set up by way of defense his plea of
12 usury, and upon it appearing that a rate in excess of eighteen (18 per centum)
13 per centum per annum has been charged to such person or persons upon such
14 loan then no action shall be maintained to recover such interest or to enforce
15 any such security; and any person or persons who shall be charged, as interest
16 on any such loan, in excess of eighteen (18 per centum) per centum per an-
17 num and shall have paid such excess interest, or any part thereof, may recover
18 in an action in a court of competent jurisdiction from and against any per-
19 son, firm or corporation receiving such excess interest, or any part thereof, a
20 judgment in a sum equivalent to the entire amount of interest so paid on said
21 loan, and any such action may be commenced at any time within fifteen years
22 after the time of the payment of such excess interest and not thereafter. The
23 surety or sureties upon the bond herein provided for to be filed in the office
24 of the county clerk shall be liable for the payment of such judgment, whether
25 a condition providing therefor be contained in such bond or not.

Sec. 7. No person, firm or corporation that shall be the owner, or holder,
2 wholly or in part, of any of the classes of security enumerated in section 1
3 hereof, which shall have been given to secure the payment of a loan of money,
4 and no person, firm or corporation that may have any rights in or lien upon
5 any such security, shall refuse, on request of any person interested in such
6 property, to execute and deliver to such person, written evidence of the dis-
7 charge of such security after the loan and interest thereon shall have been
8 paid in full. If any such person, firm or corporation, being such owner or
9 holder of any such security or that may have any rights in or lien upon the
10 same, shall refuse or neglect to execute and deliver such discharge or release
11 to any such person when such person shall have become entitled to the same,

12 such person, firm or corporation so refusing shall pay to such person so re-
13 questing such written evidence of such discharge and release, the sum of one
14 hundred dollars (\$100.00) as and for a penalty for such neglect or refusal, and
15 the surety or sureties upon the bond herein provided for to be filed in the office
16 of the county clerk, shall be liable for the payment of such penalty, whether
17 a condition providing therefor be contained in such bond or not.

Sec. 8. No employe or other representative of any such person, firm or
2 corporation so engaged in the business of loaning money upon any of the
3 classes of security enumerated in section 1 of this Act shall refuse or neglect to
4 perform any of the acts required nor shall do any of the things prohibited by
5 this Act.

Sec. 9. Any person, firm or corporation, or any employe or representa-
2 tive of any such person, firm or corporation, who shall fail to comply with or
3 violate any of the provisions of this Act shall be deemed guilty of a misde-
4 meanor and shall, on conviction thereof, be punished by a fine of not less than
5 fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) or may be
6 imprisoned not more than ninety (90) days, or may be both so fined and im-
7 prisoned, in the discretion of the court.

Sec. 10. All Acts and parts of Acts in conflict herewith are hereby re-
2 pealed.

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- 1 Introduced by Mr. Burns, April 15, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For “An Act in relation to certain old mortgages, trust deeds and other incumbrances and the cancellation thereof on the records, as incumbrances against real estate.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any mortgage, trust deed, or bond or other in-
3 strument in the nature of a mortgage, now or hereafter of record in any county
4 in this State, which by the terms thereof and any recorded extension thereof be-
5 came due more than thirty years before the time of filing the application here-
6 in provided for or which (if the records do not show when it became due) shall
7 at the time of filing such application be dated more than thirty-five years back,
8 may be released and cancelled of record as a lien and encumbrance against real
9 estate as provided in this Act.

Sec. 2. Any person who owns any interest in the land or any part of the
 2 land described in or covered by such mortgage, trust deed or instrument, may
 3 by himself, or his guardian, parent or conservator or by its president or sec-
 4 retary, if a corporation, file in the office of the recorder of deeds in which such
 5 mortgage, trust deed or instrument is recorded, an application setting forth,
 6 what interest he claims in such land and the description of the land in which he
 7 claims interest, the date of said mortgage, trust deed or instrument, the name
 8 of the maker or makers thereof, and the person or persons to whom it was made
 9 payable, also a description of the amount, date, interest rate, time of pay-
 10 ment, maker and payee of the note or notes or other instrument secured there-
 11 by; a description of the real estate covered by said mortgage, trust deed or in-
 12 strument and the book and page of the record thereof; also the date and place
 13 of record, and names of parties of any assignment or extension of such mort-
 14 gage, trust deed or other instrument, which may be recorded in said county;
 15 insofar as such information may be secured from the records of such original
 16 instrument, assignment or extension; said application shall also set forth that
 17 the person making it desires to have said mortgage, trust deed or instrument
 18 cancelled of record in accordance with this Act as an incumbrance on real
 19 estate; and shall be verified by the oath of the maker thereof, and may be sub-
 20 stantially in the following form:

21 APPLICATION FOR RELEASE OF MORTGAGE.

22 The undersigned, who claims an interest as
 23 in the following real estate: which is included in the real
 24 estate described in the mortgage hereinafter referred to, being duly sworn, on
 25 oath says, that a certain mortgage is on file in the office of the recorder of
 26 deeds of county, Illinois, in book of mortgages, at
 27 page That the said mortgage is dated; that the
 28 makers thereof were; and the person to whom it was made was
 29 That the said mortgage purports to be made to secure a note

30 dated, given by to for the principal
 31 sum of dollars, payable years after date, with
 32 interest at the rate of per cent per annum and that the real estate
 33 covered by said mortgage is described therein as following:

34 That the said mortgage was assigned by the said to
 35 by assignment dated and recorded in book
 36 of assignments at page in the records of said county. That
 37 the said moragage became due by the terms thereof (and any recorded exten-
 38 sion thereof) more than thirty years ago. Wherefore this affiant is desirous
 39 that the said mortgage shall be cancelled of record by the recorder of said
 40 county in accordance with law as an incumbrance against said real estate in
 41 behalf of which this application is filed and hereby gives notice to any person
 42 who claims to have an interest in said mortgage or said note and to any per-
 43 son who claims that said mortgage is still valid and a lien and incumbrance
 44 upon the real estate in which this applicant claims as interest, as above set
 45 forth, to file a statement as to such claim in the office of the recorder of the
 46 county in which said mortgage is recorded, as required by law, not later than
 47 the day of A. D.

48 Said application shall be signed and sworn to by the person making the
 49 same. Several mortgages, trust deeds or instruments which cover all or parts
 50 of what is now one tract of land, or several contiguous tracts having the
 51 same ownership, may be included in the same application and in the same claim,
 52 if filed in response to one application.

Sec. 3. Commencing within ten (10) days after the filing of such applica-
 2 tion the applicant shall cause a copy of the same to be published in some secu-
 3 lar newspaper of general circulation printed and published in the county in which
 4 such mortgage, trust deed or other instrument is recorded, at least once in each
 5 week for three (3) successive weeks.

Sec. 4. Any person who for himself, or as guardian, parent, conservator,
 2 executor, administrator or trustee or as president or secretary of a corporation
 3 shall believe and claim that such mortgage, trust deed or other instrument is still

4 a valid incumbrance against said real estate in which the applicant claims an
5 interest or any part thereof and is not then barred by the running of the statute
6 of limitations, may within three months after the filing of the application herein
7 provided for, file in the office of the recorder in which the application was filed
8 a statement signed and verified upon oath, setting forth his interest in the mort-
9 gage, trust deed or instrument or his relation to the person claiming such in-
10 terest, if another, and such other's interest, and that the same is still a valid
11 incumbrance on all or any part of said real estate (describing such part) and
12 is not barred by the statute of limitations and a short statement of the assign-
13 ment, devise, heirship or other means whereby he or the one he represents
14 claims ownership, and also a short statement of the facts which he claims takes
15 the mortgage, trust deed or other instrument from under the bar of the statute
16 of limitations, and giving his post office address and place of residence.

Sec. 5. In case no such claim is filed within three (3) months after the filing
2 of the affidavit, the recorder of the county in which such affidavit is filed, upon
3 the filing with him by or for the applicant of a certificate of publication show-
4 ing that the notice has been published as required by this Act, and a receipt
5 showing that the publisher's fees have been paid, and upon the payment of said
6 recorder's fee for releasing as provided in this Act, shall thereupon endorse
7 upon the margin of the mortgage, trust deed or other instrument in question, a
8 release in substantially the following form:

9 "The necessary application having been filed in my office and proof of
10 publication thereof having also been filed, and no claim having been filed in my
11 office within the time limited by law, that the instrument recorded on this page,
12 or any part thereof, is still in force as an incumbrance against real estate; the
13 said instrument is hereby cancelled and released of record as an incumbrance
14 against the real estate described therein, and any part thereof, by virtue of an
15 Act entitled, "An Act in relation to certain old mortgages, trust deeds and other

16 incumbrances and the cancellation thereof on the records as incumbrances
17 against real estate.”

18 Dated this day of A. D.

19 “SEAL”

20 *Recorder of Deeds.*

21 To which release such recorder shall affix his signature.

Sec. 6. In case the application only covers part of the real estate covered
2 by such mortgage, trust deed or instrument, the said release shall describe such
3 part and only such part shall be released thereby. Upon the making of the re-
4 lease as aforesaid the said mortgage, trust deed or other instrument shall there-
5 after be wholly null and void as a lien and incumbrance upon the land covered
6 by and described in such application and release, or any part thereof.

Sec. 7. The fee for filing the application herein provided for shall be five
2 (5) dollars, which shall include the recording of the said application; the fee
3 for filing the claim herein provided for shall be five (5) dollars, which shall
4 include the filing of said claim; the fee for releasing each mortgage, as herein
5 provided, shall be one (1) dollar; the fee for recording all other instruments
6 required to be recorded in connection with such application and release and
7 hearing thereon, if any, in court, shall be the same as provided for such county
8 by law for the recording of deeds.

Sec. 8. In case the recorder shall refuse to release the mortgage, trust
2 deed, or other instrument as provided in section 5, because he claims that a mis-
3 take or omission has been made in following out the forms prescribed by this
4 law, the person filing the application may at any term of the circuit court of
5 said county, which commences within one (1) year after such refusal, upon
6 giving five (5) days' written notice to the recorder of his intention so to do, sub-
7 mit to the said court the question of the sufficiency of the proceedings objected
8 to by the said recorder, and said court shall decide in a summary manner and

9 without further pleadings, as to whether the forms of law have been complied
10 with and the decisions of said court shall be final, and in case such decision shall
11 be against the applicant the recorder shall not release until and unless the ob-
12 jection is removed, but the applicant may, if he desires, proceed to remedy the
13 mistake or omission by a new application, publication or otherwise, as the case
14 may be, not later than six months thereafter, without paying another re-
15 corder's fee. In case the court finds the recorder's objection not well taken and
16 no claim has been filed, it may order that the recorder shall proceed to release.

Sec. 9. In case any person shall file a claim, as provided in section 4 hereof
2 that the mortgage, trust deed or other instrument is still an incumbrance on the
3 real estate or any part thereof in behalf of which the application was filed, the
4 person filing the application or his representative or attorney, upon written no-
5 tice to the person filing such claim, sent by registered United States mail, di-
6 rected to such person at the address given in the statement of claim, and mailed
7 at least ten (10) days before the commencement of court at which the hearing
8 is to be had, may submit to the circuit court of the county in which such appli-
9 cation was filed, not later than the second term which commences after the filing
10 of such claim, the question as to whether such claim is frivolous and vexatious
11 only, or whether it shows *prima facie* a good cause for refusing to release such
12 mortgage and said court shall decide upon a summary hearing and without
13 further pleadings and with only such evidence as the applicant and claimant
14 themselves may testify to, if they desire to testify, and documentary evidence
15 produced by either or both of them, whether the said claim is frivolous or vexa-
16 tious only, or is *prima facie* sufficient to authorize a refusal to release and the
17 order of the court shall be either: (A) That the claim is sufficient to prevent
18 a release under this Act and shall so prevent, or (B) that the recorder shall
19 proceed to cancel said mortgage (upon the request of the complainant) after
20 six months after said order of court, unless the claimant or some one interested

21 in said mortgage, trust deed or other instrument shall in the meantime have
22 filed in a court of competent jurisdiction a proceeding to enforce the said
23 mortgage, trust deed or other instrument and shall have also filed in the office
24 of such recorder a certificate of the clerk of such court, showing that such action
25 has been commenced, in which case the release of said mortgage shall abide by
26 the decision of the said proceeding. In case a claim is filed, submitted to the
27 court, and found *prima facie* sufficient to prevent a release, or is not submitted
28 to the court by the applicant within the time herein limited, nothing in the Act
29 contained shall be construed to prevent the applicant or any person having an
30 interest in the land in question from filing a bill to clear the title of the said
31 premises from the lien of the said mortgage, trust deed or other instrument, or
32 taking any action in reference thereto which he might heretofore have taken.
33 The claimant may also put before the court at such hearing the question of the
34 sufficiency of the prior proceedings and like proceedings may be thereupon
35 taken as heretofore and herein provided.

Sec. 10. In case the claim is not submitted to the court within the time
2 herein limited the application shall become null and void but another application
3 may be filed as to the same mortgage, trust deed or instrument upon the pay-
4 ment of the recorder's fees for such new application. The court hearing herein
5 provided for shall be heard with the contested motion calendar and be sub-
6 ject to the general rules governing the hearing of contested motions, except as
7 herein otherwise provided. A certified copy of the orders of the court in ref-
8 erence to matters brought before it shall be filed in the office of the recorder in
9 which the application was filed and the prevailing party (as designated by the
10 court) shall pay for and attend to filing such certified copy. The recorder
11 shall record the applications and claims and certified copies of orders of
12 court in a substantial book provided for the purpose, which shall be a public
13 record and shall contain an index according to the book and page of the mort-

14 gages or instruments referred to. The recorder shall briefly note on the mar-
15 gin of each mortgage, trust deed or instrument affected, the different proceed-
16 ings had in reference thereto, for instance, "Application filed to release. See
17 book of applications to release, page" No extra fee shall
18 be charged for such notations. All documents filed in connection with the pro-
19 ceedings to release shall become a part of the public records in the office of the
20 recorder and all records herein provided for to be made by said recorder shall
21 be a part of the public records of such recorder's office.

- 1 Introduced by Mr. Church, by request, April 15, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act in relation to a municipal court in the city of Chicago, and to repeal certain Acts therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there shall be established in and for the city
3 of Chicago a municipal court which shall be a court of record and shall be styled
4 “The Municipal Court of Chicago,” hereinafter designated and referred to as
5 the municipal court and the jurisdiction of which shall be exercised in the man-
6 ner hereinafter prescribed by branch courts and by an appellate division of said
7 municipal court. Each branch court shall exercise all the powers in this Act de-
8 clared to be vested in the municipal court, and reference hereinafter to the
9 municipal court shall, for convenience, be deemed as reference to a branch
10 court thereof unless the context shows otherwise. The appellate division of said
11 municipal court shall be composed of the number of judges provided for in this

12 Act and the clerk and bailiff of said municipal court, and shall exercise the juris-
13 diction hereinafter provided. Reference hereinafter to a court of review shall,
14 for convenience, be deemed as reference either to said appellate division or the
15 Supreme Court of this State.

Sec. 2. There shall be twenty-eight (28) judges of said court, one of whom
2 shall be chief justice and the remaining twenty-seven (27) of whom shall be
3 associate judges. The chief justice and the associate judges of the municipal
4 court shall be elected on the first Tuesday after the first Monday in November,
5 A. D. 1906; that the chief justice shall hold his office for the term of six (6)
6 years and until his successor shall be elected and qualified; that of the said
7 associate judges so to be elected, nine (9) shall be elected for the term of two
8 (2) years, nine (9) for the term of four (4) years, and nine (9) for the term
9 of six (6) years and until their respective successors shall be elected and qualified,
10 and on the first Tuesday after the first Monday of November, A. D. 1908, and
11 on the first Tuesday after the first Monday of November every sixth year
12 thereafter, and on the first Tuesday after the first Monday of November, A. D.
13 1910, and on the first Tuesday after the first Monday of November every sixth
14 year thereafter there shall be elected nine (9) associate judges of said munici-
15 pal court and on the first Tuesday after the first Monday of November, A. D.
16 1912, and every sixth year thereafter there shall be elected a chief justice and
17 nine (9) associate judges of said municipal court as successors in office of the
18 chief justice and associate judges of the municipal court by this Act required to
19 be elected, each of whom shall hold his office for the term of six (6) years and
20 until his successor shall be elected and qualified. The judges so required to be
21 elected shall enter upon the discharge of their duties on the first Monday of
22 December following their election.

Sec. 3. Whenever two-thirds in number of the judges of the municipal
2 court shall transmit to the city council of the city of Chicago a certificate signed

3 by them that in the opinion of said judges the business of said municipal court
4 is such as to require an increase in the number of associate judges of said muni-
5 cipal court, said city council may, by ordinance or ordinances, provide for an
6 increase of not more than nine in the number of judges, who shall be elected,
7 one-third for two years, one-third for four years and one-third for six years,
8 at the next ensuing general election. The judges elected in accordance with such
9 ordinance or ordinances shall hold their offices for the said respective periods
10 for which they shall have been elected and until their successors shall be elected
11 and qualified, and every two years thereafter their respective successors shall be
12 elected for the full term of six years. But, after the number of associate judges
13 has been increased to thirty-six (36) no subsequent increase thereof shall be
14 made by the city council.

Sec. 4. In case it shall be hereafter determined that so much of sections
2 two and three hereof as fixes the terms of office of the chief justice and asso-
3 ciate judges of the municipal court is invalid, this Act shall not on that ac-
4 count be judged wholly invalid, but the terms of office of the chief justice and
5 associate judges of said municipal court shall in such case be four (4) years,
6 and they shall hold their offices until their successors shall be elected and
7 qualified, and on the first Tuesday after the first Monday of November, A. D.
8 1910, and on the first Tuesday after the first Monday of November of every
9 fourth year thereafter there shall be elected a chief justice and twenty-seven
10 associate judges of said municipal court as successors in office of the judges
11 hereby required to be elected on the first Tuesday after the first Monday of
12 November, A. D. 1906, and the terms of office of the associate judges which
13 may be added to said municipal court in pursuance of section 3 hereof shall be
14 four (4) years.

Sec. 5. Vacancies in the office of chief justice or associate judge of the
2 municipal court shall be filled by election at the regular municipal, judicial or

3 other general election which shall occur next after a period of sixty (60) days
4 from the time such vacancies respectively occur, but where the unexpired term
5 does not exceed one year, the vacancy shall be filled by appointment by the
6 Governor. Whenever a vacancy occurs in the office of chief justice, or when-
7 ever the chief justice shall be absent from the city of Chicago, or incapacitated
8 from acting, the associate judges shall select one of their number to act as chief
9 justice until such vacancy shall be filled by election or appointment, as above
10 provided for or until the return of the chief justice, or until his incapacity
11 ceases.

Sec. 6. No person shall be eligible to the office of chief justice or of asso-
2 ciate judge of the municipal court unless he shall be at least thirty years of age
3 and a citizen of the United States, nor unless he shall have resided in the
4 county of Cook and been there engaged, either in active practice as an attor-
5 ney and counsellor at law or in the discharge of the duties of a judicial office,
6 five years next preceding his election, or in one of said occupations during a
7 portion of said time and in the other the remaining portion thereof, and shall,
8 at the time of his election, be a resident of the city of Chicago.

Sec. 7. Every chief justice and associate judge of such municipal court, be-
2 fore he enters upon the duties of his office, shall take and subscribe the fol-
3 lowing oath or affirmation: I do solemnly swear (or affirm, as the case may
4 be,) that I will support the Constitution of the United States and the Consti-
5 tion of the State of Illinois, and I will faithfully discharge the duties of the
6 office of chief justice (or associate judge) of the municipal court of Chicago
7 according to the best of my ability.

8 Said oath shall be filed in the office of the Secretary of State.

Sec. 8. The salaries of the chief justice and associate judges shall be
2 fixed by the city council: *Provided, however,* that the salary of the chief justice

3 shall not be less than seven thousand five hundred dollars (\$7,500.00) per
4 annum and that the salary of an associate judge shall not be less than six
5 thousand dollars (\$6,000.00) per annum, and that the salary of no judge shall
6 exceed the salary and compensation fixed, from time to time, by law for a judge
7 of the circuit court of Cook county, and that the salary of no judge shall be in-
8 creased or diminished during the term for which he shall have been elected:
9 *And, provided, further,* that until the fixing of the salaries by the city council
10 the salary of the chief justice shall be seven thousand five hundred dollars
11 (\$7,500.00) per annum and the salary of an associate judge shall be six thou-
12 sand dollars (\$6,000.00) per annum. Such salaries shall be payable in monthly
13 installments out of the city treasury.

Sec. 9. The chief justice, in addition to the exercise of all the other pow-
2 ers of a judge of said court, shall have the general superintendence of the
3 business of said court; he shall preside at all meetings of the judges, and he
4 shall assign the associate judges to duty in the branch courts, from time to
5 time, as he may deem necessary for the prompt disposition of the business
6 thereof; and it shall be the duty of each associate judge to attend and serve
7 at any branch court to which he may be so assigned, but the chief justice shall
8 only assign such number of judges to the trial and disposition of cases of
9 the first class, from time to time, as may not be needed for the prompt dis-
10 position of the other business of the court. Each associate judge shall, at
11 the commencement of each month, make to the chief justice, under his official
12 oath, a report in writing of the duties performed by him during the preced-
13 ing month, which report shall specify the number of days' attendance in court
14 of such judge during such month, and the branch courts upon which he has
15 attended, and the number of hours per day of such attendance, for which the
16 chief justice shall cause suitable blanks to be prepared and furnished to the
17 associate judges. Each judge shall be entitled to vacations, which shall not

18 exceed thirty-six days in all in one year, and which shall be taken at such
19 time as may be determined by the chief justice. The chief justice must give
20 his attention faithfully to the discharge of the duties especially pertaining to
21 his office and to the performance of such additional judicial work as he may
22 be able to perform. Each associate judge must perform his share of the labors
23 and duties appertaining to the office. At least one associate judge must be
24 in attendance in one branch court in each district three hours of each day,
25 except Sunday, a public holiday, or a day upon which the inhabitants of the
26 city of Chicago generally refrain from business; and each associate judge,
27 while in the court room or in chambers, and not actually engaged in the per-
28 formance of other official duties, must act upon any application for his official
29 action properly made to him. It shall be the duty of the chief justice and the
30 associate judges to meet together at least once in each month, excepting the
31 month of August, in each year, at such hour and place as may be designated
32 by the chief justice and at such other times as may be required by the chief
33 justice, for the consideration of such matters pertaining to the administration
34 of justice in said court as may be brought before them. At such meetings
35 they shall receive and investigate, or cause to be investigated, all complaints
36 presented to them pertaining to the said court, and to the officers thereof, and
37 shall take such steps as they may deem necessary or proper with respect there-
38 to, and they shall have power, and it shall be their duty, to adopt or cause to
39 be adopted all such rules and regulations for the proper administration of
40 justice in said court as to them may seem expedient.

Sec. 10. The chief justice may appoint such number of assistants, not ex-
2 ceeding four, as he may deem necessary, whose salaries shall be fixed by the
3 majority of the judges: *Provided*, that the salaries of two of said assistants
4 shall not exceed four thousand dollars (\$4,000) each per annum, and that the sal-
5 aries of the remaining two of said assistants shall not exceed eighteen hun-

6 dred dollars (\$1,800) each per annum. Said assistants shall have power to ad-
7 minister oaths and shall perform such duties as may be required of them by
8 the chief justice, but shall not exercise any judicial powers.

Sec. 11. The judges of said municipal court may interchange with
2 judges of other city courts and with county judges, and said respective
3 judges may hold court for each other and perform each other's duties, when
4 they find it necessary or convenient.

Sec. 12. There shall be a clerk of said municipal court, whose term
2 of office shall be six years, and until his successor shall be elected and quali-
3 fied, and who shall be elected on the first Tuesday after the first Monday of
4 November, A. D. 1906, and every six years thereafter. He shall perform,
5 with respect to said municipal court, the duties usually performed by clerks
6 of courts of record. He shall give his personal attention to the performance of
7 the duties of his office. He shall maintain an office in each district, and each
8 office shall be kept open for the transaction of business from half past eight
9 o'clock a. m. to half past five o'clock p. m. of each working day during the
10 year, excepting that on Saturdays the clerk may close such of his offices as
11 he may deem proper at one o'clock p. m.: *Provided, however,* that for the
12 purpose of receiving and filing papers and issuing writs and the perform-
13 ance of other work in criminal and quasi-criminal cases, the chief justice
14 may require the attendance, during additional hours of each day, of such num-
15 ber of deputy clerks as may be necessary for that purpose. The clerk shall
16 maintain, in his principal office in the first district, a bureau of information to
17 which any attorney at law or any party to any suit in said court may apply,
18 either in person or by telephone, or otherwise, for any information respecting
19 the proceedings in such suit, or the papers filed therein, which such attorney or
20 party may deem necessary and by means of which bureau such attorney or

21 party may obtain such information without charge being made therefor: *Pro-*
22 *vided, however,* that the clerk shall not be personally responsible for any mis-
23 take made by any deputy clerk with respect to such information. Until other-
24 wise provided by the rules which may be adopted under the provisions of this
25 Act the powers, duties and liabilities, the oath of office and the bond and con-
26 ditions thereof, of such clerk shall be the same, as near as may be, as those
27 prescribed by law for clerks of courts by the Act entitled, "An Act to revise
28 the law in relation to clerks of courts," approved March 25, 1874, and in force
29 July 1, 1874. He shall be commissioned by the Governor. When a vacancy
30 occurs in the office of clerk and the unexpired term exceeds one year, the judges
31 shall appoint a clerk *pro tempore*, who shall qualify by giving bond and taking
32 the oath as required by law of the clerk, and thereupon such appointee shall
33 perform all the duties required of a duly elected clerk of said court and shall
34 receive a like salary and shall hold such office until some person is elected and
35 qualified according to law to fill such vacancy. Whenever any such vacancy
36 occurs, the chief justice shall forthwith notify the Governor thereof, who, upon
37 receiving such notice, shall, as soon thereafter as may be practicable, issue
38 a writ of election, as in other cases. When a vacancy occurs in the office of
39 clerk and the unexpired term is less than one year the judges shall appoint a
40 clerk *pro tempore*, who shall qualify by giving bond and taking the oath as
41 required by law of the clerk, and thereupon such appointee shall perform all
42 the duties required of a duly elected clerk of said court and shall receive a
43 like salary, and shall hold such office until some person is elected and qualified
44 according to law to fill such vacancy. The salary of the clerk shall be fixed
45 by the city council: *Provided, however,* that such salary shall not be less than
46 five thousand dollars (\$5,000.00) per annum and that it shall not exceed the
47 salary which may be fixed for an associate judge of the municipal court and
48 that it shall be neither increased nor diminished during the term for which
49 the clerk shall have been elected: *And, provided, further,* that until the fixing

50 of the salary by the city council the salary of the clerk shall be five thousand
51 dollars (\$5,000.00) per annum. Such salary shall be payable in monthly in-
52 stallments out of the city treasury. All expenses incurred by the clerk for
53 legal services rendered to him in matters relating to his official duties and all
54 expenses incident to proceedings in court brought by or against him in his of-
55 ficial capacity shall be paid out of the city treasury.

Sec. 13. Said clerk shall appoint such number of deputies as may be de-
2 termined, from time to time, by a majority of the judges of the municipal court
3 by orders signed by them and spread upon the records of said court. The sal-
4 aries of deputy clerks shall be fixed, from time to time, by orders signed by a
5 majority of the judges of the municipal court and spread upon the records of
6 the court, and shall be payable out of the city treasury in monthly installments:
7 *Provided, however,* that the salary of the chief deputy clerk shall be four
8 thousand dollars (\$4,000) per annum and that the salaries of no more than
9 four additional deputy clerks other than those who may be employed as short-
10 hand reporters shall exceed eighteen hundred dollars (\$1,800) per annum.
11 Such number of deputy clerks so appointed as the judges may deem necessary
12 shall be competent shorthand reporters, capable of correctly taking down sten-
13 ographically and transcribing the proceedings of courts, and shall perform
14 such duties with respect to attending upon and taking down stenographic re-
15 ports of the proceedings of said court as may be required by the judges, and
16 for making and furnishing transcripts of their stenographic reports aforesaid
17 said deputy clerks shall be allowed to make such reasonable charge, not ex-
18 ceeding fifteen cents per hundred words, to the parties to whom such trans-
19 scripts are furnished, as may be determined by the judges, and the judges may
20 allow said deputy clerks to retain, as additional compensation for their ser-
21 vices, such proportion as the judges may deem reasonable of the charges so
22 collected, the balance of such charges to be accounted for by such deputy

23 clerks in the same manner as costs collected by them. Such deputy clerks shall
24 take the same oath or affirmation required of the clerk of said municipal court
25 and shall give bonds to be approved by the chief justice of said court, con-
26 ditioned, as near as may be, like the bond required of the clerk. Any deputy
27 clerk shall be subject to removal at any time by an order signed by a ma-
28 jority of the judges of the municipal court and spread upon the records of said
29 court. Any deputy clerk may likewise be removed by the clerk: *Provided,*
30 *however,* that any deputy clerk so removed may be restored to his position as
31 such deputy clerk by an order signed by a majority of the judges of the muni-
32 cipal court and spread upon the records of the court. The number of deputy
33 clerks may be reduced at any time by an order signed by a majority of the
34 judges of said municipal court and spread upon the records of said court.

Sec. 14. There shall be a bailiff of said municipal court whose term of
2 office shall be six (6) years and until his successor shall be elected and quali-
3 fied and who shall be elected on the first Tuesday after the first Monday
4 of November, A. D. 1906, and every six years thereafter. He shall perform
5 with respect to said municipal court the duties usually performed by sheriffs in
6 respect to attendance upon, and service and execution of the process, and
7 obedience of the lawful orders and directions of a circuit court. He shall give
8 his personal attention to the performance of the duties of his office. He shall
9 maintain an office in each district and each office shall be kept open for the
10 transaction of business from half past eight o'clock a. m. to half past five
11 o'clock p. m. of each working day during the year, excepting that on Satur-
12 days the bailiff may close such of his offices as he may deem proper at one
13 o'clock p. m. Until otherwise provided by the rules which may be adopted
14 under the provisions of this Act, the powers, duties and liabilities, the oath of
15 office, and the bonds and conditions thereof, of such bailiff shall be the same,
16 as near as may be, as those prescribed by law for sheriffs, with respect to at-

tendance upon, and service and execution of the process, and obedience of the lawful orders and directions, of a circuit court. He shall be commissioned by the Governor. When a vacancy occurs in the office of bailiff and the unexpired term exceeds one year, the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath as required by law of the bailiff and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court, and shall receive a like salary, and shall hold such office until some person is elected and qualified according to law to fill such vacancy. Whenever any such vacancy occurs, the chief justice shall forthwith notify the Governor thereof, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election as in other cases. When a vacancy occurs in the office of bailiff and the unexpired term is less than one year, the judges shall appoint a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath required by law of the bailiff and thereupon such appointee shall perform all the duties required of a duly elected bailiff of said court and shall receive a like salary and shall hold such office until some person is elected and qualified according to law to fill such vacancy. It shall be unnecessary to serve any process of summons upon the bailiff in any suit against him commenced in the municipal court. In lieu of the service of such process the clerk shall notify the bailiff of the commencement of such suit and the bailiff shall thereupon forthwith enter his appearance therein, such entry of appearance to be made without any advance payment of costs. The salary of the bailiff shall be fixed by the city council: *Provided, however,* that such salary shall not be less than five thousand dollars (\$5,000) per annum and that it shall not exceed the salary which may be fixed for an associate judge of the municipal court and that it shall neither be increased nor diminished during the term for which the bailiff shall have been elected: *And, provided, further,* that until the fixing of the salary by the city council the salary of the bailiff shall be five thousand dollars (\$5,000) per annum. Such

46 salary shall be payable in monthly installments out of the city treasury. The
47 bailiff may employ an attorney at a salary of not exceeding three thousand
48 dollars (\$3,000) per annum, which salary together with all expenses incurred
49 by the bailiff in prosecuting or defending suits brought by or against him in
50 his official capacity shall be paid out of the city treasury.

Sec. 15. Said bailiff shall appoint such number of deputies as may be
2 determined from time to time by a majority of the judges of the municipal
3 court by orders signed by them and spread upon the records of said court. The
4 salaries of deputy bailiffs shall be fixed, from time to time, by orders signed
5 by a majority of the judges of the municipal court and spread upon the records
6 of the court and shall be payable out of the city treasury in monthly install-
7 ments: *Provided, however,* that the salary of the chief deputy bailiff shall
8 not exceed four thousand dollars (\$4,000) per annum, and that the salary of
9 three deputy bailiffs shall not exceed two thousand five hundred dollars
10 (\$2,500) per annum and that the salary of no other deputy bailiff shall exceed
11 eighteen hundred dollars (\$1,800) per annum. Such deputy bailiffs shall take
12 the same oath or affirmation required of the bailiff of said municipal court and
13 shall give bonds to be approved by the chief justice of said court conditioned,
14 as near as may be, like the bond required of the bailiff. The bailiff and
15 deputy bailiffs of the municipal court shall be *ex-officio* police officers of the
16 city of Chicago. Any deputy bailiff shall be subject to removal at any time
17 by an order signed by a majority of the judges of the municipal court and
18 spread upon the records of said court. Any deputy bailiff may likewise be
19 removed by the bailiff: *Provided, however,* that any deputy bailiff so removed
20 may be restored to his position by an order signed by a majority of the judges
21 of said municipal court and spread upon the records of said court. The num-
22 ber of deputy bailiffs may be reduced at any time by an order signed by a
23 majority of the judges of said municipal court and spread upon the records

24 of said court. Every police officer of the city of Chicago and of every board
 25 of park commissioners within said city shall be *ex-officio* a deputy bailiff of
 26 the municipal court, and shall perform from time to time such duties in respect
 27 to criminal and quasi criminal cases within the jurisdiction of said court as
 28 may be required of him by said court or any judge thereof. The bailiff may
 29 appoint a special deputy to serve any summons issued out of the municipal
 30 court, by endorsement thereon, substantially as follows:

31 "I hereby appoint.....my special deputy to serve
 32 the within writ," which shall be dated and signed by the bailiff. Such special
 33 deputy shall make return of the time and manner of service of such writ,
 34 under his oath, and for making a false return he shall be guilty of perjury
 35 and be punished accordingly.

Sec. 16. Neither the clerk nor the bailiff nor any deputy clerk or deputy
 2 bailiff of said municipal court shall receive, aside from the salary and the costs
 3 by this Act required to be paid to him in his official capacity, any money, prop-
 4 erty, or other valuable thing, as a gratuity or otherwise for the performance
 5 of any duty imposed upon him by virtue of his office, or for the performance of
 6 any work of any kind or character in any manner connected therewith. It
 7 shall be the duty of the judges of said municipal court to remove from office
 8 any deputy clerk or deputy bailiff who shall violate either of the provisions
 9 of this section. No clerk or bailiff or deputy clerk or deputy bailiff of the mu-
 10 nicipal court shall be appointed receiver or guardian *ad litem* in any suit there-
 11 in pending.

Sec. 17. For the purposes of said municipal court the city of Chicago shall
 2 be divided into such number of districts with such boundaries as may be deter-
 3 mined by orders signed by a majority of the judges of the municipal court and
 4 spread upon the records thereof. The number and boundaries of such dis-

5 tricts may be changed, from time to time, or the whole of the city of Chicago
6 may be made one district, by orders signed by a majority of the judges of
7 the municipal court, and spread upon the records thereof, which orders shall
8 be published for three successive weeks, once in each week, in some news-
9 paper of general circulation in the city of Chicago, and which shall take effect
10 respectively within thirty days after the last publication thereof: *Provided,*
11 *however,* no such change in the number or boundaries of districts, or the mak-
12 ing of the whole of the city of Chicago one district, shall become effective un-
13 less the order therefor shall have been approved by the city council of the
14 city of Chicago. While more than one district remains, the district contain-
15 ing the city hall of the city of Chicago and the county building of the county
16 of Cook shall be known as the first district. As many branch courts shall be
17 held in each district as may be determined by the chief justice of said municipi-
18 pal court to be necessary for the prompt and proper disposition of the busi-
19 ness of said court: *Provided, however,* that at least one branch court shall be
20 held in each district. Such branch courts may be given such designation by
21 numbers or otherwise as may be determined by the chief justice.

Sec. 18. Said branch courts shall be held at such places in said city of
2 Chicago as may be provided for that purpose by the corporate authorities
3 thereof. If no place be provided by the corporate authorities of said city for
4 the holding of any branch court, or if the place so provided become unfit, said
5 branch court may, by an order signed by the majority of the judges of said
6 municipal court and entered upon the records of said branch court, adjourn to
7 or convene at a suitable place for holding said branch court, procured for
8 that purpose by said judges, within the district in which the same is located and
9 at such place may hold said branch court until a suitable place therefor be fur-
10 nished by said corporate authorities.

Sec. 19. Said court shall have a seal for each district and may from time
2 to time, as may be necessary, renew the same. The expenses of said seals and
3 renewing the same shall be paid by the city of Chicago.

Sec. 20. The grand and petit jurors for the municipal court shall be pro-
2 vided by the jury commissioners of the county of Cook in the same manner
3 and from the same lists, as near as may be, as grand and petit jurors are pro-
4 vided for the circuit, superior and criminal courts of Cook county. The names
5 of the necessary number of grand and petit jurors required from time to time
6 in said municipal court shall be furnished by said jury commissioners upon
7 demand to the clerk of the municipal court, and the venires for such jurors
8 shall be directed to and served by the sheriff of Cook county at the expense
9 of said county, and the fees of said jurors shall be paid out of the city treas-
10 ury. The number of petit jurors to be summoned from time to time shall be
11 determined by the chief justice. A grand jury shall be empanelled in the mu-
12 nicipal court at such times and for such length of service as the chief justice
13 may determine. Upon the chief justice certifying to the clerk of the munici-
14 pal court the number of persons required to be examined for grand jury serv-
15 ice at a particular time, said persons shall be summoned in the same manner
16 that grand jurors are summoned in the criminal court of Cook county.

Sec. 21. It shall be the duty of the chief justice to impanel, or cause to
2 be impaneled, any grand jury for the municipal court, and to interrogate, or
3 cause to be interrogated, all grand and petit jurors summoned for service in
4 the municipal court, and to cause to be inquired into the qualifications of
5 said jurors, and to reject from service as jurors all persons who do not appear
6 to possess the qualifications required by law, and to cause the summoning of
7 persons competent to serve as jurors. Any grand jury impaneled in said mu-
8 nicipal court shall consider such matters as may be brought before them, and

9 present offenses cognizable in the municipal court. Indictments of any such
10 grand jury shall be returned to the municipal court.

Sec. 22. Said municipal court shall have original jurisdiction of all actions
2 on contracts, express or implied, all actions for the recovery of personal prop-
3 erty, all actions for the recovery of damages for the conversion of personal
4 property and actions for the recovery of damages for injuries to personal
5 property, and all other civil actions, quasi-criminal actions excepted, for the re-
6 covery of money only, when the amount claimed by the plaintiff, exclusive of
7 costs, does not exceed one thousand dollars (\$1,000), actions of forcible de-
8 tainer, proceedings for the trial of the right of property, all cases of a crim-
9 inal and quasi-criminal nature, arising in the city of Chicago or that may be
10 brought before said court pursuant to law, proceedings for the prevention of
11 the commission of crime, for the arrest, examination, commitment and bail of
12 persons charged with criminal offenses and proceedings pertaining to searches
13 and seizures of personal property by means of search warrants.

Sec. 23. The causes of which said municipal court has jurisdiction as
2 aforesaid shall be divided into the following classes:

3 *First*—Cases to be designated and hereinafter referred to as cases of the
4 first class, which shall include all civil actions, quasi-criminal actions excepted
5 where the value of the property involved or the amount of money or damages
6 claimed by the plaintiff, exclusive of costs and exclusive of interest and dam-
7 ages accrued after the commencement of the action, exceeds one thousand dol-
8 lars (\$1,000).

9 *Second*—Cases to be designated and hereinafter referred to as cases of
10 the second class, which shall include all civil actions, quasi-criminal actions ex-
11 cepted, of which the municipal court has jurisdiction, other than those of the
12 first class, the amount in any action on a bond to be determined by the amount
13 actually sought to be recovered and not by the penalty of the bond, and all forci-

1. ble detainer suits to be deemed cases of the second class unless rent or dam-
 15 ages are sought to be recovered therewith and said rent or damages exceed
 16 one thousand dollars (\$1,000).

17 *Third*—Cases to be designated and hereinafter referred to as cases of the
 18 third class, which shall include (a) all criminal cases of every kind and char-
 19 acter; (b) all proceedings for the prevention of the commission of crimes;
 20 (c) all proceedings for the arrest, examination, commitment and bail of per-
 21 sons charged with criminal offenses; and (d) all proceedings pertaining to
 22 searches and seizures of personal property by means of search warrants.

23 *Fourth*—Cases to be designated and hereinafter referred to as cases of the
 24 fourth class, which shall include all quasi-criminal actions.

Sec. 24. Both in direct and in collateral proceedings the same presump-
 2 tions shall be indulged with respect to the jurisdiction of the municipal court
 3 over the subject matter of suits and over the parties thereto, and with re-
 4 spect to the regularity of the proceedings of said municipal court as are in-
 5 dulged with respect to the jurisdiction and regularity of the proceedings of
 6 circuit courts in like cases.

Sec. 25. The judges of said municipal court shall have power to adopt,
 2 in addition to the provisions herein contained prescribing the practice and pro-
 3 cedure in said municipal court or in lieu of any portion or portions of the pro-
 4 visions concerning practice and procedure in circuit courts, such rules regu-
 5 lating the practice and procedure in said municipal court as they may deem
 6 necessary or expedient for the proper administration of justice therein: *Pro-*
 7 *vided, however,* that no such rule or rules so adopted shall be inconsistent
 8 with those expressly provided for by this Act. The adoption of said rules
 9 shall be accomplished by an order signed by a majority of said judges, which
 10 order, when made, shall be forthwith spread upon the records of the munici-

11 pal court and shall be printed in pamphlet form at the expense of the city. The
12 supreme court shall have power, in its discretion, to substitute for the rule or
13 rules so adopted by said judges of said municipal court, or for any portion
14 thereof, such other rules as the supreme court may deem necessary and may,
15 in its discretion, of its own motion or otherwise, make any order respecting the
16 rules of said municipal court which it may deem proper. Courts of review, in
17 cases brought to them from the municipal court, shall take judicial notice of
18 the rules of practice from time to time in force in said municipal court.

Sec. 26. Until otherwise determined by rules of said municipal court, and
2 except as by this Act is otherwise prescribed, the practice and procedure in the
3 municipal court shall be the same, as near as may be, as that which may from
4 time to time be prescribed by law for similar suits or proceedings in circuit
5 courts, and in the criminal court of Cook county, Illinois. Said municipal
6 court shall be the sole judge of the applicability to the proceedings of said
7 court of the rules of practice and procedure prescribed by law for similar
8 cases in said circuit and criminal courts, and its decisions in respect thereto
9 shall not be subject to review: *Provided, however,* that upon review of any
10 cause in any court of review, said court of review may grant relief from any
11 such decision in any case where, in the opinion of said court of review, such
12 relief is necessary to prevent a failure of justice.

Sec. 27. If the method of procedure in any case within the jurisdiction
2 of the municipal court is not sufficiently prescribed by this Act, or by any rule
3 of court adopted in pursuance hereof, the court may make such provisions for
4 the conducting and disposing of the same as may appear to the court proper
5 for the just determination of the rights of the parties.

Sec. 28. No suit of the first or second class shall be commenced in the
2 municipal court unless the defendant, if there be but one defendant, is found,

3 in a case of the first class, within the city of Chicago, or, in a case of the sec-
4 ond class, within the district in which the suit is brought, but when there are
5 two or more defendants, one of whom, in a case of the first class, is served
6 with process in the city of Chicago, or in a case of the second class, within the
7 district in which the suit is brought, a summons or other writ may be issued
8 to the sheriff of Cook county for any defendant to be found in said county,
9 but outside of the city of Chicago, or to the sheriff of any other county for
10 any defendant to be found in such county, and service of any summons or
11 other writ so issued shall be made in the same manner as is required in the
12 case of process directed to the bailiff: *Provided, however,* that no judgment
13 shall, in any case of the first class, be rendered against any defendant served
14 with process outside of the city of Chicago unless judgment be also rendered
15 against a defendant served within the city of Chicago, and no judgment shall,
16 in any case of the second class, be rendered against any defendant served with
17 process outside of the district in which the suit is brought unless judgment
18 be also rendered against a defendant served within such district. But all cases
19 of the first class and all suits against municipal corporations shall be brought
20 in the first district.

Sec. 29. The provisions of section 28 of this Act shall not apply to cases
2 of attachment, garnishment, replevin, distress for rent, forcible detainer or trial
3 of the right of property, which suits may be brought in the municipal court
4 when the property, or any part thereof, to be affected, or any garnishee is
5 found, in a case of the first class, within the city of Chicago, or, in a case of
6 the second class, within the district in which suit is brought, and in any such
7 case of the second class, if the property or any part thereof to be affected, or
8 any garnishee be found within the district in which suit is brought, process
9 may be served upon any defendant or garnishee at any place within the city
10 of Chicago.

Sec. 30. When, upon the complaint of any defendant, it shall be made to
2 appear to the municipal court in any district that the suit has been improp-
3 erly brought therein, the court shall not be required on that account to dis-
4 miss the suit if the municipal court in any district could properly have juris-
5 diction thereof, but in such case the court may cause such suit to be trans-
6 ferred to the proper district, and the court in the district to which the same
7 is transferred shall proceed therewith as if the same had been originally com-
8 menced in said district: *Provided, however,* that the court may, in its discre-
9 tion, require the plaintiff to pay the costs of the defendant paid by him prior
10 to such transfer: *And, provided, further,* that whenever a trial by jury is de-
11 manded in any case, whether civil, criminal or quasi-criminal, the court may,
12 in its discretion, direct the trial of said case to be had in the first district, and
13 for that purpose may cause said case to be transferred to the first district, to
14 be there tried and disposed of.

Sec. 31. In all cases of the first class the issues shall be made up by the
2 same forms of pleadings, and the same forms of actions and proceedings shall
3 be used, as are used in the circuit courts: *Provided,* the judges of the municipal
4 court may, by rules adopted in the manner prescribed by this Act, provide that
5 the practice and pleadings in cases of the first class shall be the same as in this
6 Act provided for in cases of the second class.

Sec. 32. Every case of the second class, excepting cases of attachment,
2 garnishment, replevin, distress for rent, forcible detainer, and trials of the
3 right of property brought in the municipal court, shall be commenced by the
4 filing by the plaintiff with the clerk of a praecipe for a summons, specifying
5 the names of the parties to the suit, the amount of the plaintiff's claim, the
6 day at which the summons shall be made returnable, and a statement of the
7 plaintiff's claim, which statement, if the suit be upon a contract, express or im-
8 plied, shall consist of a statement of the account or of the nature of the de-

9 mand; or, if the suit be for a tort, it shall consist of a brief statement of the
10 nature of the tort and such further information as will reasonably inform the
11 defendant of the nature of the case he is called upon to defend; but nothing
12 herein contained shall be construed to require the statement of claim in any ac-
13 tion for a tort to set forth the cause of action with the particularity required
14 in a declaration at common law. No praecipe need be filed or summons issued
15 or served in the case of the confession of a judgment in a case of the second
16 class, but such judgment may in all cases be confessed in the same manner,
17 as near as may be, as in a particular case in the circuit court.

Sec. 33. Except as is in this Act otherwise provided, no pleadings, other
2 than said statement of claim, shall be required in any case of the second class,
3 but in cases of the second class the municipal court may adopt such rules and
4 regulations as it may deem necessary to enable the parties, in advance of the
5 trial, to ascertain the nature of the plaintiff's claim or claims, or of the defend-
6 ant's defense or defenses.

Sec. 34. Upon the filing of a praecipe in a case of the first class, or a
2 praecipe and statement of claim or such other papers as may be required under
3 the law in a case of the second class, the clerk of the municipal court shall
4 issue a summons or other writ to the defendant, directed to the bailiff, or other
5 proper officer, to execute, and returnable, in a case of the first class upon some
6 Monday, and in a case of the second class at half-past 9 o'clock a. m. sharp
7 of the day for such return specified in the praecipe, and in either case at least
8 five and not more than twenty days after the date thereof; which summons. or
9 other writ, shall state the amount of the plaintiff's claim and shall be attested
10 in like manner as a summons issued out of any other court of record. Upon
11 every summons, in a case of the second class, there shall be printed in plain
12 type the provisions of this Act pertaining to defaults in case of the non-ap-

13 pearance of the defendant, and setting of the case for trial in case of appear-
 14 ance, and such further information as may be prescribed by the chief justice;
 15 and in a case of the second class there shall be attached to the copy of any
 16 summons served upon a defendant, a copy of the plaintiff's praecipe and state-
 17 ment of claim, and of plaintiff's affidavit of claim if there be one.

Sec. 35. Service of summons or other writ shall be made by delivering
 2 a copy thereof to the defendant, if an individual, and informing him of the
 3 contents thereof: *Provided*, that in forcible detainer cases where no claim for
 4 rent is joined with the complaint for possession service of summons may be
 5 made by delivering a copy thereof to the defendant or by leaving such copy
 6 at his usual place of abode with some person of the family of the age of twelve
 7 years or upwards and informing such person of the contents thereof.

Sec. 36. An incorporated company may, in a case of the first class, be
 2 served with process by leaving a copy thereof with its president, if he can be
 3 found in the city of Chicago, and if he shall not be found in the city of Chi-
 4 cago, then by leaving a copy of the process with any clerk, secretary, superin-
 5 tendent, general agent, cashier, principal, director, engineer, conductor, station
 6 agent, or any agent of said company found in the city of Chicago. Such com-
 7 pany may, in a case of the second class, be served with process by leaving a
 8 copy thereof with its president, if he can be found in the district in which
 9 the suit is brought, and if he shall not be found in such district, then by leav-
 10 ing a copy of the process with any of said officers or agents above named, if
 11 any one of them can be found in said district.

Sec. 37. The receiver or receivers of an incorporated company, or a
 2 trustee or trustees operating, managing or controlling a railway, may, in a case
 3 of the first class, be served with process by leaving a copy of such process
 4 with such receiver, receivers, trustee or trustees if he or they can be found in

5 the city of Chicago, and if he or they shall not be found in the city of Chicago,
 6 then by leaving a copy of such process with any clerk, secretary, superintend-
 7 ent, general agent, engineer, conductor, station agent or any agent in the em-
 8 ploy of such receiver, receivers, trustee or trustees who may be found in the
 9 city of Chicago. Such receiver, receivers, trustee or trustees may, in a case
 10 of the second class, be served with process by leaving a copy thereof with such
 11 receiver, receivers, trustee or trustees, if he or they can be found in the district
 12 in which the suit is brought, and if he or they shall not be found in such dis-
 13 trict, then by leaving a copy of the process with any of said officers or agents
 14 above named, if any one of them can be found in said district.

Sec. 38. Wherever in any civil cause notice by publication is required or
 2 proper to be given to any defendant, it shall be sufficient publication if such
 3 notice shall be published for at least four successive weeks, the first publica-
 4 tion to be at least thirty days next prior to the day on or before which the de-
 5 fendant is required to appear, in some newspaper of general circulation in
 6 the city of Chicago, and the clerk of court shall mail to each of the defendants
 7 at their last known places of residence as stated in the affidavit which is filed
 8 as a foundation for said publication, a copy of said notice within ten days
 9 after the first day of the publication of the same.

Sec. 39. Whenever in any civil cause notice by posting is required or
 2 proper to be given to any defendant, said notice shall be in the name of the
 3 clerk of the court, be directed to the defendant, shall state the nature of the
 4 process against the defendant and at whose instance issued, the amount
 5 claimed to be due if for a money demand, the time and place of trial, and shall
 6 also state that unless said defendant shall appear at the time and place fixed
 7 for trial, judgment will be entered by default, and shall also state the charac-
 8 ter of the judgment that will be rendered in said cause and of the execution
 9 that will be issued thereon, three copies of which notice the bailiff shall post

10 in three public places in the neighborhood of the court where said cause is to
11 be tried, at least ten days prior to the day set for the trial, and if the place
12 of residence of the defendant is stated in any affidavit on file, the bailiff shall
13 at the same time mail one copy of the notice addressed to such defendant at
14 such place of residence, and on or before the day set for trial said bailiff shall
15 file said notice with an endorsement thereon, stating the time when and places
16 where he posted and to whom and at what address he mailed copies as herein
17 required.

Sec. 40. It shall be the duty of the bailiff or other officer having any
2 summons or other writ in any civil case to serve the same, when it shall be
3 practicable, three days or more prior to the return day thereof, and if the
4 same shall not be so served, it shall be returned immediately after the expira-
5 tion of the third day prior to the day mentioned therein as the return day
6 thereof, provided any writ of attachment or replevin or distress warrant may
7 be levied upon property at any time prior to the return day mentioned in such
8 writ. Whenever it shall appear, by the return of the officer having any sum-
9 mons, writ of attachment or writ of replevin, that any defendant or garni-
10 shee is not found or that property sought to be replevined or levied upon has
11 not been replevined or levied upon, the clerk shall, at the request of the plain-
12 tiff, issue another summons or other writ, as the case may be, and so on until
13 service is had upon the defendant or garnishee or the property sought to be
14 replevined or levied upon is in fact replevined or levied upon. Any such alias
15 or pluries summons or other writ shall be issued, be made returnable and served
16 in the same manner as in the case of original summons or other writ.

Sec. 41. The plaintiff shall in any case of the first class file his declaration
3 suit shall be dismissed unless the commencement of the suit, in default whereof the
2 within three days after the comment by an order entered in said suit prior

4 to the date of service of process or filing of appearance shall extend the time
5 for filing such declaration.

Sec. 42. The defendant in a case of the first class shall, in case he shall
2 have been served with process three days or more prior to the return day
3 thereof, enter his appearance on or before such return day and shall demur or
4 plead to the declaration or the complaint on or before the Monday succeeding
5 such return day; but in case the summons or other writ shall have been served
6 less than three days prior to the return day the defendant shall not be required
7 to enter his appearance until on or before the first Monday succeeding such re-
8 turn day and shall not be required to plead to the declaration or complaint
9 until on or before the second Monday after such return day. In case the time
10 for filing the declaration or complaint shall be extended by the court, the time
11 for the defendant to demur or plead to the same shall be extended until the
12 second Monday succeeding the expiration of such extension of time. The time
13 within which the defendant is required to demur or plead may be extended
14 by the court in its discretion. In case the defendant shall fail to enter his
15 appearance or to demur or plead within the time thus required, the plaintiff
16 shall be entitled to judgment by default.

Sec. 43. Upon the return of any summons duly served upon the defend-
2 ant three days or more prior to the return day thereof in any case of the second
3 class it shall be the duty of the court at half past nine o'clock a. m. sharp of
4 the day on which said summons was returnable, or as soon thereafter as is
5 practicable, to call said case or cause the same to be called. In any case any
6 defendant appears in person and desires to make defense to the suit, he shall
7 be directed to sign and file a written appearance and shall be given such direc-
8 tion with respect to appearance as may be necessary or proper for the informa-
9 tion of the parties. In case the defendant shall desire upon the trial to present
10 any set-off or counter-claim, he shall file a statement thereof with his appear-

11 ance: *Provided, however,* the court may, in its discretion, extend the time for
 12 the filing of such statement. In case the defendant does not appear in person
 13 and shall not have filed an appearance in writing, the plaintiff shall be entitled
 14 to judgment as in case of default. Upon such default the court shall assess the
 15 damages after hearing such evidence as the court may deem sufficient for that
 16 purpose.

Sec. 44. If the plaintiff in any suit upon a contract, express or implied,
 2 for the payment of money, shall file with his declaration, if the case be a first
 3 class case or with his statement of claim if the case be a second class case, an
 4 affidavit showing the nature of his demand, and the amount due him from the
 5 defendant, after allowing to the defendant all his just credits, deductions and
 6 set-offs, if any, he shall be entitled to judgment, as in case of default, unless
 7 the defendant, or his agent or attorney, shall file with his plea, if the case be
 8 a first class case, or with his appearance, if the case be a second class case, an
 9 affidavit, stating that he verily believes the defendant has a good defense to
 10 said suit upon the merits to the whole or a portion of the plaintiff's demand,
 11 and specifying the nature of such defense, and if a portion specifying the
 12 amount (according to the best of his judgment and belief): *Provided, how-*
 13 *ever,* that any defendant may, in the discretion of the court, by order duly
 14 entered, be permitted to make his defense without any affidavit of merits or
 15 defense. Upon good cause shown, the time for filing such affidavit may be ex-
 16 tended for such reasonable time as the court shall order; no affidavit of merits
 17 need be filed with a demurrer or motion: *Provided,* that this section shall not
 18 apply to any case where an executor or administrator shall defend in behalf of
 19 an estate. If the affidavit of defense is to only a portion of the plaintiff's
 20 demand, the plaintiff shall be entitled to a judgment for the balance of his de-
 21 mand and the suit shall thereafter proceed as to the portion of the plaintiff's

22 demand in dispute as if the suit had been brought therefor; but in such case
23 the court may make such order as to the costs of the suit as may be equitable.

Sec 45. If, in any case of the second class, the defendant shall appear at
2 the time specified in the summons or other writ or shall have entered his ap-
3 pearance in writing at or before the time so specified, the court shall, at such
4 time, or as soon thereafter as practicable, fix a time for the trial thereof, and
5 such case shall be tried at the time so fixed or as soon thereafter as the other
6 business of the court will permit, and the court may make such orders in re-
7 spect to the trial thereof as the court may deem proper and necessary for the
8 protection of the rights of the parties, and the failure of the court to try or
9 otherwise dispose of any such case at the time which may be fixed therefor
10 shall not operate as a discontinuance but the same shall remain under the con-
11 trol of the court until the final disposition thereof.

Sec. 46. In attachment, garnishment, replevin, distress for rent and forei-
2 ble detainer cases of the second class no statement of claim shall be necessary.
3 An affidavit for attachment, garnishment, replevin, copy of the distress war-
4 rant and complaint in forcible detainer shall be the only written pleadings re-
5 quired, except such written pleadings or statements as may be required from
6 time to time by the rules of the municipal court. In garnishment cases the
7 party for whose use the proceedings is instituted shall be designated plaintiff
8 and the judgment debtor shall be designated defendant and the party upon
9 whom garnishment process is served shall be designated garnishee.

Sec. 47. Whenever an execution or writ of attachment issued out of any
2 court of record is served by any sheriff, or coroner, or by the bailiff of the
3 municipal court, upon personal property within the city of Chicago, proceed-
4 ings for the trial of the right of property therein may be instituted by any per-
5 son other than the defendant in execution or attachment, or by such sheriff,

6 coroner or bailiff, by the filing in the municipal court of a praecipe and state-
 7 ment of claim describing the property claimed, and setting forth the names
 8 of all parties having any interest in or claim to said property, including such
 9 sheriff, coroner or bailiff and the plaintiff in the execution or writ of attach-
 10 ment. If such proceedings be instituted by such sheriff, coroner or bailiff, said
 11 statement of claim shall further state that he has reasonable doubt as to the
 12 ownership of the property levied upon. The person instituting such proceed-
 13 ings shall, in all cases, be designated plaintiff and all other parties mentioned
 14 in said statement of claim as having any interest in or claim to said property
 15 shall be designated defendants. Said statement of claim shall be verified by
 16 the affidavit of plaintiff, his agent or attorney. Thereupon a summons shall
 17 be issued in accordance with such praecipe, which summons shall describe the
 18 property claimed and shall be made returnable in the same manner as in any
 19 other case of the second class. Thereupon the proceedings in such case shall
 20 be the same, as near as may be, as in cases of replevin of the second class,
 21 excepting that no bond shall be required of the plaintiff, nor shall there be any
 22 delivery of property to him in any case until after final judgment, unless such
 23 sheriff, coroner or bailiff be plaintiff and he already have said property by
 24 virtue of a levy thereon; but if upon the trial the plaintiff shall be found
 25 to be entitled to the property or to any part thereof, judgment shall be entered
 26 in his favor for the property, or such part thereof as he shall be found en-
 27 titled to and if he do not already have said property as aforesaid, execution
 28 shall be awarded therefor.

Sec. 48. If, in any of the cases mentioned in this section, service of sum-
 2 mons or other writ cannot be had as provided in section 35, 36 or 37 of this
 3 Act, and it shall appear by affidavit or the return of the officer that the de-
 4 fendant is not a resident of this State, or has departed from this State, or
 5 on due inquiry cannot be found, or is concealed within this State so that pro-

6 cess cannot be served upon him, then, if the case be an attachment or distress
7 for rent case and the amount claimed by the plaintiff, exclusive of costs, does
8 not exceed two hundred dollars, or if the case be a forcible detainer case and
9 no claim for rent is joined with the complaint for possession, the defendant
10 may be notified by posting or posting and mailing of notices as provided in
11 section 39 of this Act; but if the case be an attachment or distress for rent case
12 and the amount claimed by the plaintiff, exclusive of costs, exceeds two hun-
13 dred dollars, or if the case be replevin, the defendant may be notified by pub-
14 lication or publication and mailing of notices as provided in section 38 of this
15 Act; if the case be one of the trial of the right of property or any other case
16 where others interested in the litigation should be notified, such notice to the
17 defendant and others interested shall be given as shall be ordered by the court.

Sec. 49. No application for a change of venue in any civil, criminal or
2 quasi-criminal case, on account of the prejudice of the judge, shall be allowed
3 by the municipal court when the applicant names in his application more than
4 three judges from whom such change of venue is desired, nor unless such ap-
5 plication for a change of venue is made by petition as in like cases in the circuit
6 courts, and such petition is filed at or before the time of the filing or entering
7 by the defendant of his appearance in the suit in which such change of venue
8 is asked for, if such suit is a civil or quasi-criminal suit, or at or before the
9 time the defendant is required to plead if such suit is a criminal suit, and in no
10 case shall the granting of any change of venue delay the trial of the suit, but
11 such suit shall be tried and disposed of at the time set for trial thereof or at
12 the time to which the trial thereof may be postponed, before some other judge
13 of the court than the one or ones from whom the change of venue has been
14 granted, or in any other district in which the same may be ordered to be tried,
15 and all orders necessary for the setting of such case for trial and for the se-

16 culing of a speedy trial thereof, may be made by the judge from whom said
17 change of venue has been obtained.

Sec. 50. The municipal court, in any civil suit pending therein, at any
2 time before the trial or final hearing thereof, may permit the filing therein of
3 interrogatories to be answered by any party to such suit or any person for
4 whose immediate benefit such suit is prosecuted or defended, or by the direct-
5 ors, officers, superintendent or managing agents of any corporation which is a
6 party to the record in such suit, at the instance of the adverse party or parties
7 or any of them and to require an answer under oath to all such interrogatories
8 as the party to be interrogated might be required to answer, if called as a wit-
9 ness upon the trial or hearing of such suit, but the party filing such interroga-
10 tories shall not be concluded by the answers thereto, if he shall elect to intro-
11 duce the same or any or either of them upon the trial or final hearing.

Sec. 51. Upon the trial or hearing of any suit in the municipal court any
2 party thereto or any person for whose immediate benefit such suit is prose-
3 cuted or defended, or the director or superintendent or managing agents of
4 any corporation which is a party to the record in such suit may be examined
5 upon the trial thereof as if under cross-examination at the instance of the ad-
6 verse party or parties or any of them, and for that purpose may be compelled,
7 in the same manner and subject to the same rules for examination as any
8 other witness, to testify, but the party calling for such examination shall not
9 be concluded thereby but may rebut the testimony thus given by counter testi-
10 mony.

Sec. 52. Whenever in any suit pending in the municipal court evidence
2 shall be necessary concerning any fact in support of or in opposition to any
3 interlocutory or other motion or application, other than an application for a
4 change of venue, the court may in its discretion, require such evidence to be

5 presented by the oral examination of witnesses in open court or otherwise and
6 may make all necessary orders for such oral examination.

Sec. 53. Any judge of the municipal court shall have the power to sign
2 or otherwise make any order in any suit pending in the municipal court at any
3 place within the city of Chicago whenever, in the opinion of such judge, the
4 granting of such order at such place is in furtherance of justice, and such order
5 shall be as effective as though made in any court room of said court or in the
6 chambers of said judge: *Provided, however,* that after the defendant shall
7 have entered his appearance, no such order shall be made at any other place
8 than a branch court of the district in which said suit is pending, without reas-
9 onable notice to the parties.

Sec. 54. The chief justice shall superintend the preparation of the cal-
2 endars of cases for trial in said court and shall make such classification and
3 distribution of the same upon different calendars as he shall deem proper and
4 expedient, and cases shall be tried in such order and the calendars of cases
5 shall be so arranged as may be determined by the chief justice or by rules of
6 the court adopted as herein provided

Sec. 55. Every case of the first or second class shall be tried by the court
2 without a jury unless the plaintiff, at the time he commences his suit, or the
3 defendant, at the time he enters his appearance, shall file with the clerk a
4 demand, in writing for a trial by jury, which demand, however, may be with-
5 drawn by the party filing the same at any time before the trial.

Sec. 56. In all cases tried by a jury in the municipal court each party shall
2 be entitled to a challenge of the same number of jurors, without showing
3 cause for such challenge, as are allowed in similar cases in the circuit court and
4 in the criminal court of Cook county, and challenges for statutory and other
5 causes shall be allowed as in similar cases in the circuit court and in said

6 criminal court of Cook county. It shall be the duty of the judge presiding at
7 the trial to examine or cause to be examined all jurors called into the jury
8 box in any case with respect to their statutory qualifications to serve as petit
9 jurors in such case, unless said examination shall have been previously made
10 as above provided, and to permit the plaintiff and the defendant to propound
11 to the jurors such pertinent questions as may be necessary for the purpose of
12 ascertaining whether the jurors are biased or prejudiced; but upon review of
13 any judgment of said municipal court by the appellate division thereof or by
14 the supreme court in any case tried by a jury, no assignment of errors shall
15 be allowed which shall call in question any ruling of the court pertaining to
16 or connected with the impaneling of the jury, other than one improperly re-
17 stricting the right of a party to examine the jurors as to bias or prejudice, or
18 improperly overruling a challenge by a party of a juror for bias or prejudice.

Sec. 57. In trials by jury the court shall charge the jury as to the law
2 only, and the charge may, in the discretion of the court, be given orally or
3 in writing; but when given orally it shall, at the request of either party, be
4 taken down in shorthand, and a transcript thereof shall be made and shall
5 be signed by the judge and filed in the cause in which such charge is given,
6 and shall be made a part of the record in such cause.

Sec. 58. Every person desirous of suffering a non-suit shall be barred
2 therefrom unless he do so before the jury retire from the bar, or if the case
3 is tried before the court without a jury, before the case is submitted for final
4 decision.

Sec. 59. Amendments shall be allowed in the municipal court the same as
2 in circuit courts. A period of thirty days after the entry of any final judgment
3 or order shall, for the purpose of such amendments, be deemed the same as
4 a term of court at which a final judgment or order is entered in a circuit court.

Sec. 60. The municipal court shall take judicial notice of all matters of
2 which courts of general jurisdiction of this State are required to take judicial
3 notice, and also the following:

4 1. All general ordinances of the city of Chicago and all general ordi-
5 nances of every municipal corporation situated in whole or in part within the
6 limits of the city of Chicago, and all ordinances of any municipal corporation
7 remaining in force after the annexation of the territory of such municipal cor-
8 poration, in whole or in part, to the city of Chicago, and of the legal publica-
9 tion of said ordinances.

10 2. All laws of a public nature enacted by any state or territory of the
11 United States.

Sec. 61. No exception to the rulings or decisions of the municipal court
2 on any matter whatever, which appear to have been made against the objec-
3 tion of the party complaining thereof, shall be necessary to the right of any
4 party to a review of such rulings or decisions upon their merits in any court
5 of review, but it shall be the duty of any court of review to decide such case
6 upon its merits, notwithstanding no exceptions were taken in the municipal
7 court.

Sec. 62. Any money judgment, order or decree rendered by the municipal
2 court, when no execution issued thereon is outstanding, may be satisfied by the
3 payment by the party against whom the same has been rendered of the amount
4 thereof to the clerk of said court, who, upon payment being made, shall enter
5 satisfaction thereof and shall, upon demand, pay over the money received by
6 him to the person appearing of record to be entitled thereto: *Provided*, if said
7 money be paid to the clerk within five days after the date of the final judg-
8 ment, order or decree in the cause, the clerk shall not enter said satisfaction
9 of record until after the expiration of said five days.

Sec. 63. The judgments, orders and decrees of the municipal court and
2 of the appellate division thereof shall have the same force, be of the same
3 effect, be liens upon real estate or any interest therein in the city of Chicago,
4 to the same extent and under the same circumstances, and be executed and en-
5 forced in the same manner as the judgments, orders and decrees of the circuit
6 court of Cook county, except as is otherwise in this Act provided. No judg-
7 ment, order or decree of the municipal court or of the appellate division there-
8 of, the amount of which, exclusive of costs is, at the date of rendition thereof,
9 less than two hundred dollars, shall be a lien upon real estate or any interest
10 therein excepting from the time of the filing in the office of the recorder of
11 deeds or registrar of titles of Cook county, or registrar of titles or clerk of a
12 court of record in any other county in this State, of a certified transcript or
13 certificate as provided for in this Act. Upon the filing in the office of the re-
14 corder of deeds of Cook county, or in the office of the clerk of any court of
15 record in any other county in this State of a transcript, certified under the
16 hand and official seal of the clerk of the municipal court, of any judgment,
17 order or decree of the municipal court or of the appellate division thereof,
18 said judgment, order or decree shall thenceforth have the same force, be of the
19 same effect, be a lien upon unregistered real estate or any interest therein
20 throughout such county to the same extent and under the same circumstances
21 as a judgment, order or decree of the circuit court of such county. No judg-
22 ment, order or decree of the municipal court or of the appellate division there-
23 of shall be a lien upon or affect registered land or any estate or interest there-
24 in, until a certificate, under the hand and official seal of the clerk of the municipal
25 court, stating the date and purport of the judgment, order or decree, or a cer-
26 tified copy of such judgment, order or decree, is filed in the office of the regis-
27 trar of titles of the county in which the land is situated, and a memorial of the
28 same is entered upon the register of the last certificate of the title to be
29 affected. The recorder of deeds of Cook county shall provide and keep in his

30 office for said municipal court well bound books for entering therein an alpha-
31 betical docket of all judgments, orders and decrees rendered in said municipi-
32 pal court as is now required by law for docketing judgments, orders and de-
33 crees rendered in circuit courts and shall forthwith, after the filing of any tran-
34 script herein provided for, enter the same, together with the hour, day, month
35 and year of the filing of such certified transcript, and the municipal court's
36 general number of the case in which rendered.

Sec. 64. In any case an execution issued on any judgment, order or de-
2 cree of the municipal court, or of the appellate division thereof, when against
3 lands and tenements, goods and chattels within the city of Chicago, shall be
4 directed to the bailiff, or, in case he is disqualified from acting, then to the
5 sheriff of Cook county, and shall be a lien upon all the personal property of
6 the person against whom the judgment is obtained, situated within the city of
7 Chicago, from the time it is delivered to the bailiff, or to the sheriff, to the
8 same extent as an execution issued out of the circuit court of Cook county when
9 delivered to the sheriff, and may be levied upon the property, real or personal,
10 of said person, situated at any place within the city of Chicago, to the same
11 extent as an execution issued out of the circuit court of Cook county. But no
12 execution upon a judgment, order or decree shall become a lien upon regis-
13 tered land, or any estate or interest therein, until said execution shall be
14 levied on said real estate and a certificate of the fact of such levy shall be
15 filed with the registrar of titles of the county in which such real estate is situ-
16 ated, and a memorial thereof shall be entered upon the register of the last cer-
17 tificate of the title to be affected. Executions against lands, tenements, goods
18 and chattels outside of the city of Chicago shall be directed to the sheriff, or,
19 in case he is disqualified from acting, to the coroner of the county in which
20 such lands, tenements, goods and chattels are situated. Any execution issued
21 on any judgment of which a transcript has been filed in the office of the re-

22 corder of deeds of Cook county, or in the office of the clerk of any court of
 23 record of any other county in this State, shall, throughout the county in which
 24 said transcript is filed as aforesaid, be of the same force, have the same effect
 25 and be executed in the same manner as if said execution had issued on a judg-
 26 ment of the circuit court of Cook county.

Sec. 65. At any time within seven years after the entry of any judgment
 2 upon which there is due, exclusive of interest and costs, the sum of twenty-five
 3 dollars (\$25) or more and upon the return wholly or partly unsatisfied of an
 4 execution issued thereon, the judgment creditor shall be entitled to a citation,
 5 here designated for convenience a citation in supplementary proceedings, re-
 6 quiring the judgment debtor, or any other person whom, or corporation which,
 7 the judgment creditor may believe to have personal property of the debtor not
 8 exempt from execution or garnishment, or to be indebted to said judgment
 9 debtor in a sum exceeding the amount exempt by law from garnishment, to
 10 attend before the court and be examined under oath concerning such debtor's
 11 property at a time and place specified in the citation, or after the issuance of
 12 an execution and before the return thereof, upon proof of affidavit to the satis-
 13 faction of the court, that there is reasonable ground to believe that the judg-
 14 ment debtor has property in the city of Chicago, which he unjustly refuses to
 15 apply towards the satisfaction of the judgment, whether subject to execution
 16 or not, citation may issue as above provided. The court may, in its discretion,
 17 at the time of ordering the issuance of said citation, restrain and enjoin any
 18 party to said citation from assigning or disposing of any personal property
 19 and choses in action until the final hearing on said citation or until the further
 20 order of the court, provided that probable cause exists for entering said re-
 21 straining order or injunction.

Sec. 66. Where it appears from the examination or testimony taken in sup-
 2 plementary proceedings that the judgment debtor is in possession of the property

3 his control money or other property belonging to him and not exempt from
4 execution, or that money, choses in action, or one or more articles of personal
5 property capable of delivery, and the right of possession of which in said judg-
6 ment debtor is not substantially disputed, and which are not exempt by law
7 from execution or garnishment, are in the possession or under the control of
8 such other person or corporation, the court may, in its discretion, make an
9 order directing the judgment debtor, or such other person or corporation, im-
10 mediately to pay the money, assign the chose in action or deliver the articles
11 of personal property to the bailiff of the municipal court to be by him col-
12 lected or sold at public sale and the proceeds thereof applied towards the
13 satisfaction of said execution and if the amount of money, or the proceeds
14 of such collection or sale shall exceed the amount due upon such execution and
15 the costs accrued thereon, the overplus shall be paid to the said judgment
16 debtor.

Sec. 67. The masters in chancery of the circuit and superior courts of
2 Cook county shall be *ex-officio* masters in chancery of the municipal court. Said
3 citation in supplementary proceedings may, in the discretion of the court, re-
4 quire the person or corporation to attend and be examined before one of the
5 masters in chancery of the court, or a special commissioner to be appointed
6 by the court, designated in said citation, which special commissioner shall, be-
7 fore taking any testimony, be sworn to well and truly report the evidence to be
8 taken before him in such proceedings, or to try the matters to be brought be-
9 fore him thereon, and a true report make according to the evidence as the case
10 may be. After said examination said master or special commissioner must
11 certify to the court all evidence and other proceedings had before him pursu-
12 ant to the citation.

Sec. 68. Upon every examination in supplementary proceedings each
2 answer of the party to the citation or witness examined must be under the oath

3 of such party, or, if such party be a corporation, under the oath of an officer
4 thereof, and the court may, in its discretion, specify the officer. Either party
5 may be examined as a witness in his own behalf and may produce and exam-
6 ine other witnesses as upon the trial of any action. The court, master or spe-
7 cial commissioner may postpone any hearing hereunder from time to time as
8 it may think proper and may issue subpoenas requiring the presence of any
9 witness desired by either party. The court shall have the power to compel
10 the attendance of any party to the citation or witness duly subpoenaed by at-
11 tachment of the person of such party or witness and the refusal of a party
12 to such citation, or of a witness, to attend or answer proper questions upon the
13 hearing, or to obey any injunction or restraining order enjoining or restrain-
14 ing any party to said citation from disposing of any personal property or choses
15 in action, shall be adjudged a contempt of court, and shall be punishable in the
16 discretion of the court by fine or imprisonment in the county jail or house of
17 correction for a period not to exceed six months.

Sec. 69. The court may in such supplementary proceedings tax as costs a
2 fixed sum consisting of witness fees, stenographer's fees, master's or commis-
3 sioner's fees and other disbursements, and direct the payment thereof out of
4 any money which may come into the hands of the bailiff as a part of the costs
5 of said proceedings. Where the judgment debtor has been examined and prop-
6 erty applicable to the payment of the judgment has not been discovered in the
7 course of the proceedings hereunder, the court may fix a sum consisting of
8 witness fees and other disbursements made by said judgment debtor, includ-
9 ing stenographer's fees, and the amount so fixed shall, in the discretion of the
10 court, be paid to such judgment debtor, and unless paid within the time fixed
11 by the court an execution shall issue against the judgment creditor and be
12 served and enforced as other executions.

Sec. 70. Any order made in supplementary proceedings may be served
2 by delivering a certified or sworn copy thereof to the person against whom the
3 same is made, and such service may be made by the bailiff or by any party
4 to the proceedings or by his attorney or agent. All other proceedings here-
5 under shall be regulated by such rules as may be adopted by a majority of the
6 judges of the municipal court or by the supreme court, in accordance with the
7 provisions of this Act.

Sec. 71. The prosecution of all criminal cases in the municipal court shall
2 be conducted by or under the supervision of the State's attorney of Cook
3 county, but in any case in which the State's attorney is disqualified from act-
4 ing or is unable to act, the court may appoint some attorney at law of Cook
5 county to act as prosecuting attorney in such case. All criminal cases in the
6 municipal court which the constitution and laws in force from time to time may
7 permit to be prosecuted otherwise than by indictment by a grand jury, may
8 be prosecuted by information of the Attorney General or State's Attorney, or
9 some other person, and when an information is presented by any person other
10 than the Attorney General or State's Attorney it shall be verified by affidavit
11 of such person that the same is true, or that the same is true as he is informed
12 and believes. Before an information is filed by any person other than the At-
13 torney General or State's Attorney, one of the judges of the municipal court
14 shall examine the information and may examine the person presenting the same
15 and require other evidence and satisfy himself that there is probable cause for
16 filing the same and so endorse the same. Every information shall set forth
17 the offense with reasonable certainty, substantially as required in an indict-
18 ment, and the proceedings thereon shall be the same, as near as may be, as
19 upon indictment in the criminal court of Cook county, excepting as is by this
20 Act otherwise provided. All other criminal cases in the municipal court shall
21 be prosecuted by indictments of grand juries herein provided for, and the

22 form of any indictment and all proceedings thereon, and all proceedings in
23 criminal cases, except as herein otherwise provided, shall be the same, as near
24 as may be, as in criminal cases in the criminal court of Cook county, Illinois.
25 The judgments and sentences of the municipal court in criminal cases may be
26 ordered to be executed by the bailiff thereof, the sheriff of Cook county, or by
27 any other officer empowered to execute judgments and sentences in criminal
28 cases in the criminal court of Cook county, Illinois.

Sec. 72. Any person committed for a criminal or supposed criminal
2 offense and not admitted to bail and not tried within four months after the
3 date of arrest, shall be set at liberty by the court, unless the delay shall hap-
4 pen on the application of the prisoner or unless the court is satisfied that due
5 exertion has been made to procure the evidence on the part of the people and
6 that there is reasonable ground to believe that such evidence may be procured
7 within the next sixty days, in which case the court may continue the case for
8 such time as the court may deem necessary, not exceeding said sixty days:
9 *Provided, however,* that if said person be not tried within said sixty days no
10 further continuance shall be granted and said person shall be set at liberty by
11 the court.

Sec. 73. The practice in all proceedings in the municipal court for the
2 arrest, examination, commitment and bail of persons charged with criminal
3 offenses, proceedings to prevent the commission of crimes and proceedings per-
4 taining to search warrants shall be the same, as near as may be, as is provided
5 by law for similar proceedings before judges of other courts of record and
6 justices of the peace, except as herein otherwise provided. The complaint, ex-
7 cept as provided in section 76 of this Act, shall be filed with the clerk of the
8 municipal court, who, when so ordered by the court, shall issue a warrant. Said
9 warrant shall, in any proceeding to prevent the commission of crime, be di-
10 rected to the bailiff, and in any proceeding for the arrest, examination, com-

11 mitment and bail of any person with a criminal offense, shall be directed to
12 the bailiff and to all sheriffs, coroners and constables within this State and
13 shall require the officer to whom it is directed to forthwith take the person of
14 the accused and bring him before the court.

Sec. 74. Upon the examination of any person charged with a criminal
2 offense the court may, in its discretion, cause the testimony of the witnesses
3 to be taken down in shorthand and transcribed, and when so transcribed it
4 may be certified by the judge as a true and correct transcript of such testi-
5 mony, and when so certified it may be presented to the grand jury and be
6 given the same force and effect by the grand jury as if the witnesses had ap-
7 peared before the grand jury and orally testified.

Sec. 75. Any search warrant issued by the clerk, or any judge of the
2 municipal court, shall be directed to the bailiff or to the sheriff or to any con-
3 stable of the county commanding such officer to search either in the day time
4 or the night time the house or place where the stolen property or other things
5 for which he is required to search are believed to be concealed (which place and
6 property or things to be searched for shall be particularly designated and de-
7 scribed in the warrant), and to bring such stolen property or other thing when
8 found and the person in whose possession they are found before the municipal
9 court.

Sec. 76. Any judge of the municipal court to whom application is made
2 for a warrant, capias or writ of attachment, in any case of criminal or quasi-
3 criminal nature, when he is not presiding in court, shall have power and au-
4 thority to issue such warrant, capias or writ of attachment and sign the same
5 with his own name as judge of the municipal court, and indorse thereon the
6 amount of bail in which defendant shall be held, which warrant, capias or writ
7 of attachment, when so signed by the judges shall have the same force and

8 effect as if the same were issued and signed by the clerk of the court. Any
9 complaint or affidavit received by such judge upon the issuance of such war-
10 rant, capias or writ of attachment shall be filed with the clerk as soon as may
11 be after the issuing of such warrant, capias or writ of attachment.

Sec. 77. Upon the arrest of any person for any criminal or quasi-criminal
2 offense within the jurisdiction of the municipal court, any judge of the municip-
3 al court, or any judge of the circuit or superior court of Cook county, shall
4 have power to let such person to bail; and in case of the arrest of any person
5 for any quasi-criminal offense, or for any offense when the punishment is by
6 fine or imprisonment otherwise than in the penitentiary, the chief of police,
7 or any captain or lieutenant or sergeant of police of the city of Chicago, or any
8 deputy clerk designated for that purpose by an order signed by a majority of
9 the judges of the municipal court, shall have power to let such person to bail.
10 The bail bond in any criminal case in which the punishment may be otherwise
11 than by fine, shall be conditioned for the personal appearance of the person
12 arrested before some branch court at a time fixed in said bond for such per-
13 sonal appearance, and from day to day thereafter until the final judgment or
14 order of the court. In quasi-criminal cases and in criminal cases in which the
15 punishment may be by fine only, the bail bond shall be conditioned for the
16 personal appearance of the person arrested before some branch court at a
17 time fixed in said bond for such personal appearance and from day to day
18 thereafter until the final judgment or order of the court, and in default of
19 such personal appearance for the immediate payment of any judgment that
20 may be rendered in said case. Any bond so taken shall be signed by one or
21 more sureties to be approved by such judge or officer, who shall be author-
22 ized and required to administer oaths for the purpose of ascertaining the suf-
23 ficiency of the sureties. All bonds so taken shall be filed with the clerk of the
24 municipal court at the branch court at which the person so arrested is re-

quired to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulations by such rules as may be adopted by a majority of the judges of the municipal court, as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested; or, if there be no judge then in attendance upon such court, before the municipal court in any other district at which there may be then a judge in attendance, to be dealt with by such court according to law. The court may by rule provide that any defendant arrested in any criminal case in which the punishment is by fine or imprisonment otherwise than in the penitentiary, or in any quasi-criminal case, in lieu of giving bail for his personal appearance, may deposit with the clerk or with the police officer letting such person to bail, to be by such police officer paid over to the clerk within twenty-four hours after such deposit is made, such sum of money as the court may deem sufficient to secure his personal appearance at the time or times fixed therefor, such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear in person at the time or times so fixed; except that in quasi-criminal cases and criminal cases in which the punishment may be by fine only, the judgment and costs shall be deducted from such cash deposit and the balance returned to the person depositing same. If, upon an application made at any time within thirty days after any forfeiture provided for in this section such defendant shall prove to the satisfaction of the court that his failure to so appear was the result of serious illness, or other unavoidable accident, the court may, by order, set aside such forfeiture. Other proceedings for the forfeiture of recognizances and bail bonds in criminal and quasi-criminal cases shall be the same, as near as may be, as provided for the forfeiture of recognizances and bail bonds in criminal cases in the criminal court of Cook county.

Sec. 78. The practice in the municipal court in cases of the alleged violation of any ordinance of the city of Chicago, or of any municipal corporation whose territory is situated in whole or in part within the limits of said city, shall be the same, as near as may be, as is herein prescribed for cases of the second class, except that when the facts constituting the offense complained of also constitute, in whole or in part, a violation of the criminal code, the court may issue a warrant in the first instance against the defendant, upon the filing by some person of a complaint under oath that the offense has been committed, and that the complainant has just and reasonable grounds to believe that the defendant committed the offense, and such warrant may be served at any place within the city of Chicago, if the court, in its discretion, shall so direct. A warrant may be issued in the first instance upon the affidavit of any person that an ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof and will escape unless arrested, and stating the facts upon which such belief is based: *Provided*, the judge to whom application is made for such warrant shall be satisfied, after examining or causing to be examined under oath the party making the affidavit, that such arrest should be made; and any person arrested upon any warrant herein provided for shall, without unnecessary delay, be taken before the court to which such warrant is returnable and tried for the alleged offense, and such warrant may be served at any place within the city of Chicago, if the court, in its discretion, shall so direct.

Sec. 79. Any police officer of the city of Chicago, or of any board of park commissioners within said city, may arrest on view any person who may be seen by such police officer in the act of violating, within the city of Chicago, any ordinance of said city, or any ordinance of any municipal corporation whose territory is situated, in whole or in part, within the limits of said city; whenever such violation is, by such ordinance, made punishable by fine or otherwise. Any person so arrested shall without unnecessary delay be taken

8 by such officer to some convenient branch of the municipal court, and such
9 police officer shall thereupon make and file a complaint in writing, under oath,
10 against such defendant of the violation by such defendant of such ordinance,
11 and such defendant shall thereupon be dealt with according to law in the same
12 manner as if he had been arrested in the first instance under a warrant law-
13 fully issued.

Sec. 80. Whenever an unmarried woman, who shall be pregnant or de-
2 livered of a child which would by law be deemed a bastard, shall file in the
3 municipal court, if she be pregnant, or so delivered, in the city of Chicago,
4 or the person accused be found in said city of Chicago, her complaint in writ-
5 ing, under oath or affirmation, accusing a person of being the father of such
6 child, the court shall order a warrant to issue against the person so accused
7 and cause him to be brought forthwith before the court. Such warrant shall
8 be issued to the bailiff and to all sheriffs, coroners and constables in the State
9 of Illinois and may be executed by any officer in any county.

Sec. 81. If upon the appearance of the defendant in any bastardy case
2 the woman be not delivered, and the probable date of the delivery is thirty
3 days or more after the appearance of the defendant as aforesaid, it shall be
4 the duty of the court to examine the woman upon oath or affirmation in the
5 presence of the man alleged to be the father of the child, touching the charge
6 against him. The defendant shall have the right to controvert such charge,
7 and evidence may be heard as in case of trial before the county court. If the
8 court shall be of the opinion that sufficient cause appears, it shall be the duty
9 of the court to bind the person so accused in recognizance with sufficient se-
10 curity to appear before said court at a time after the probable date of the de-
11 livery of the child to which said cause may be continued, to answer to said
12 charge. On neglect or refusal to enter into a recognizance with security, the
13 court shall cause such person to be committed to the jail of the county of

14 Cook, there to be held to answer to the complaint. If, at the time to which
15 said cause may be continued said child be not born, or the mother be unable
16 to attend court, said cause shall be further continued until she is able, and any
17 recognizance entered into by the defendant to secure his appearance shall
18 stand until the final disposition of the cause. After the birth of the child the
19 court shall cause an issue to be made up whether the person charged as afore-
20 said is the real father of the child or not, which issue shall be tried by a jury
21 unless the parties shall elect to waive a trial by jury, in which case the issue
22 shall be tried by the court without a jury. Pending the trial of such issue and
23 the final disposition of the matter, if the defendant shall not have given bond
24 as aforesaid prior to such delivery, the court shall require the defendant to
25 enter into a recognizance, in such an amount and with such sureties as the
26 court may deem just, for the appearance of the defendant from day to day
27 until the entry of the final judgment.

Sec. 82. The evidence admitted and offered on the hearing of any motion
2 or matter, or on the trial of any cause in the municipal court, the rulings of
3 the court thereon and any other proceedings not otherwise of record, may be made
4 a matter of record for review by any court of review by being embodied in a
5 statement of facts. Said statement of facts may be the stipulation of par-
6 ties as to such facts as the branch court deems necessary or material to a
7 proper review of the cause, a complete stenographic or other report of all said
8 evidence, rulings and proceedings, or such abstract or abridgement thereof as
9 is deemed sufficient for a proper review of the cause. Said statement of facts
10 may contain a stipulation as to part of the facts, a complete stenographic or
11 other report as to other facts or as to the testimony of certain witnesses, and
12 an abstract or abridgement as to still other facts or as to the testimony of
13 other witnesses. Concise statements of questions of law arising on any of said
14 facts and the decisions of the branch court thereon may be inserted in said

15 statement of facts. It shall not be necessary to copy affidavits, depositions or
16 exhibits in said statement of facts, but the originals thereof may be embodied
17 therein or identified by proper reference. Said statement of facts shall have
18 attached thereto a certificate, signed by the judge before whom said proceed-
19 ings were had, or signed as provided in section eighty-three of this Act,
20 authenticating the same as a complete report, a stipulation or abstract or
21 abridgement as aforesaid, as the case may be, and where said statement is
22 not a complete report as aforesaid, said certificate shall certify that said state-
23 ment contains all such facts as are necessary or material to a proper review of
24 said cause. Said statement of facts shall be prepared and tendered to the
25 presiding judge for certification by the party desiring the review of any cause
26 in a court of review within thirty days after the entry of the final judgment,
27 order or decree of the municipal court, or within such further time as may,
28 upon application therefor within said thirty days, be allowed by the branch
29 court. Any party deeming said statement of facts insufficient, may prepare and
30 tender a supplemental statement of facts for certification within such time as
31 may be limited by rule or order of court. Such statement of facts, instead of
32 a copy, shall be incorporated in any transcript of record to be filed in the
33 Supreme Court, and upon the final determination of the cause in the Supreme
34 Court shall be remitted to the municipal court.

Sec. 83. Any such statement of facts or supplemental statement of facts
2 shall be deemed sufficiently authenticated if signed by any one of the judges
3 presiding in the branch court in which the cause was tried, if more than one
4 judge sat at the trial of the cause, and in case the judge before whom the cause
5 was tried is, by reason of death, sickness or other disability, unable to hear and
6 pass upon a motion for a new trial in the cause and sign a statement of facts
7 showing the same, then the judge who succeeds such trial judge or any other
8 judge of the municipal court, if the evidence in such case is taken in steno-

9 graphic notes, or if said judge is satisfied by any other means that he can pass
10 upon such motion and allow a true statement of facts, shall pass upon said
11 motion and allow and sign such statement of facts; and his ruling upon such
12 motion and allowance and signing of such statement of facts shall be as valid
13 as if such ruling and allowance and signing had been made by the judge before
14 whom such cause was tried; but if said judge is satisfied that owing to the fact
15 that he did not preside at the trial, or for any other cause he cannot fairly
16 pass upon said motion and allow and sign said statement of facts, then he may,
17 in his discretion, grant a new trial to the party moving therefor.

Sec. 84. There shall be no stated terms of the municipal court, but said
2 court shall always be open for the transaction of business. Every judgment,
3 order or decree of said court, final in its nature, shall be subject to be va-
4 cated, set aside or modified in the same manner and to the same extent as a
5 judgment, order or decree of a circuit court during the term at which the same
6 was rendered in such circuit court: *Provided*, a motion to vacate, set aside
7 or modify the same be entered in said municipal court within thirty days after
8 the entry of such judgment, order or decree. If no motion to vacate, set aside
9 or modify any such judgment, order or decree shall be entered within thirty
10 days after the entry of such judgment, order or decree, the same shall not be
11 vacated, set aside or modified excepting by a court of review in a case brought
12 before it as provided by law, or by a bill in equity, or by a petition to said
13 municipal court setting forth grounds for vacating, setting aside or modifying
14 the same, which would be sufficient to cause the same to be vacated, set aside
15 or modified by a bill in equity: *Provided, however*, that all errors in fact in
16 the proceedings in said case, which might have been corrected at common law
17 by the writ of error *coram nobis* may be corrected by motion, or the judgment
18 may be set aside, in the manner provided by law for similar cases in the cir-
19 cuit court.

Sec. 85. Any party to any civil case against whom there has been rendered any final order, judgment or decree of the municipal court, and who shall desire to obtain a review of such final order, judgment or decree in a court of review, and who shall, for that purpose, also desire a stay of execution, may, after the filing of the petition for review, as hereinafter provided, or the removal of such case to a court of review in any other manner provided by law, obtain from a branch court or such court of review a stay of execution upon such order or judgment for ninety (90) days after the entry thereof by the giving of a bond with sufficient surety or sureties or be approved by a judge of a branch court or of such court of review, conditioned for the due prosecution of said cause in such court of review, and otherwise, as near as may be, as an appeal bond in case of an appeal from a similar order or judgment of a circuit court is required to be conditioned. No such bond, however, need be given in any case if the party filing said petition for review shall not desire a stay of execution. No other or further stay of proceedings or execution in any such case shall be allowed by the municipal court; but such court of review, or any judge thereof, may allow a supersedeas, as in other cases, but upon the allowance of any supersedeas, when any bond has been given as above provided, no additional bond shall be required, and such supersedeas shall be operative until the final determination of said cause in said court of review. Upon the filing of a petition for the review of any criminal cause, capital cases excepted, or upon the removal of such cause to a court of review in any other manner provided by law, any judge of such court of review or of any branch court may admit any defendant to bail and grant a stay of execution pending the determination of said cause in said court of review.

Sec. 86. The Supreme Court of this State shall assign three judges of the municipal court to duty in the appellate division of said municipal court.

3 which said assignment shall be for a term of three years, and upon the expir-
4 ation of said term the Supreme Court shall assign their successors for the term
5 aforesaid. The Supreme Court may, if it shall deem it necessary at any time,
6 for the prompt disposition of the work of said appellate division, assign two
7 additional judges to duty therein for a term of three years from the date of
8 such assignment. Any judge, the unexpired portion of whose term of office
9 as judge of the municipal court shall be shorter than three years, may never-
10 theless be assigned to duty in said appellate division: *Provided*, the Supreme
11 Court may, in its discretion, terminate the assignment of any judge to duty
12 in said appellate division, and in case of any vacancy therein the Supreme
13 Court may, if the work of the appellate division shall require, fill such
14 vacancy by assigning another judge to such appellate division, which shall
15 at all times consist of at least three judges. Said appellate division shall
16 choose one of their number presiding justice of the appellate division for
17 such time as the judges of the appellate division may determine, and at the
18 expiration of such time his successor shall be chosen in like manner.

Sec. 87. A majority of the judges so assigned to duty in said appellate
2 division shall constitute a quorum, and the concurrence of the majority shall
3 be necessary to every decision: *Provided*, any one of said judges may make
4 any order in chambers that does not affect the merits or the final disposition
5 of any cause before said appellate division.

Sec. 88. Said appellate division shall be vested with all power and author-
2 ity to carry into complete execution all their judgments, decrees and deter-
3 minations in all matters within their jurisdiction, according to the rules and
4 principles of the common law and of the law of this State, and any judgment,
5 order or decree rendered in said appellate division shall have the same force
6 and effect and be executed in the same manner as a judgment, order or decree
7 of a branch court.

Sec. 89. Said appellate division shall exercise appellate jurisdiction only
2 and have jurisdiction to review all final orders, judgments and decrees of the
3 branch municipal courts, except such cases as are removable from the branch
4 courts directly to the supreme court as hereinafter provided, on petition filed
5 in said municipal court within thirty days after the entry of such final order,
6 judgment or decree, or within such further time as may, upon application
7 therefor within said thirty days, be allowed by the appellate division in accord-
8 ance with the rules of the appellate division.

Sec. 90. Said appellate division may issue the writ of mandamus to cause
2 a proper statement of facts to be duly certified or made and certified, or to
3 cause any other act to be done which may be necessary to enforce the due
4 administration of justice in all matters, suits or proceedings which could in
5 any lawful manner be brought within the jurisdiction of said appellate divi-
6 sion.

Sec. 91. The appellate division may amend any portion of the record of
2 any cause pending before it and may give final judgment or may order a new
3 trial: *Provided, however,* that no verdict of a jury or finding of a court, when
4 the trial was before a court without a jury, shall be set aside by said appellate
5 division unless said verdict or finding of the court is against the preponderance
6 of the evidence and: *Provided,* the appellate division shall not reverse any
7 judgment, order or decree unless said appellate division is satisfied upon an
8 examination of the whole record, that such reversal is required in the interests
9 of justice, and the appellate division, in case of partial reversal, may allow
10 the entry of a *remittitur*.

Sec. 92. If any final determination of any cause or proceeding whatever
2 shall be made by the appellate division, the result wholly or in part of the find-
3 ing of the facts concerning the matter in controversy different from the finding

4 of a branch court, it shall be the duty of said appellate division to recite in its
5 final order, judgment or decree the facts as found; and the judgment of the
6 appellate division shall be final and conclusive as to all matters of fact in con-
7 troversy in such cause or proceeding.

Sec. 93. All opinions or decisions of said appellate division upon a final
2 hearing of any cause, shall be reduced to writing, briefly giving therein the
3 reasons for such opinions or decisions, and be filed in the cause in which ren-
4 dered: *Provided*, that such opinions or decisions shall not be of binding author-
5 ity in any cause or proceeding, other than in that in which they may be filed.

Sec. 94. The final judgments, orders and decrees of the appellate division
2 of the municipal court may be reviewed by the Supreme Court of this State in
3 such cases, to the same extent and in the same manner as the final judgments,
4 orders and decrees of the appellate courts of this State may, under the laws
5 now in force or hereafter to be enacted, be reviewed by said Supreme Court.
6 All final judgments, orders and decrees of a branch of the municipal court in all
7 criminal cases above the grade of misdemeanors, cases in which a franchise or
8 freehold or the validity of a statute or a construction of the constitution is in-
9 volved, and in cases in which the validity of a municipal ordinance is involved
10 and in which the trial judge shall certify that in his opinion the public interest
11 so requires, and in all cases relating to revenue or in which the State is inter-
12 ested as a party or otherwise, shall be taken directly to the Supreme Court and
13 reviewed to the same extent and in the same manner as such judgments, orders
14 and decrees of the circuit courts may be so taken and reviewed by the Supreme
15 Court under the laws now in force or hereafter to be enacted. No judgment,
16 order or decree of the municipal court or of the appellate division thereof shall
17 be reviewed in any court or in any manner other than is in this Act provided.
18 No cause shall be removed to the Supreme Court from the municipal court or

19 the appellate division thereof by appeal, writ of error or in any other manner
20 provided by law, unless a motion or petition therefor be filed, or proceedings to
21 that end be instituted, within thirty days after the entry of the final judgment,
22 order or decree in such cause.

Sec. 95. The judges of the appellate division shall have power to adopt
2 such rules, to be designated rules of the appellate division, regulating the prac-
3 tice and procedure in said appellate division as they deem necessary or exped-
4 ient for the proper administration of justice therein: *Provided*, that the Su-
5 preme Court shall have the power, in its discretion, to substitute for the rule
6 or rules so adopted by the judges of said appellate division, or for any por-
7 tion thereof, such rules as the Supreme Court may deem necessary; and may,
8 in its discretion, of its own motion or otherwise, make any order respecting the
9 rules of said appellate division which said Supreme Court may deem proper.

Sec. 96. It shall be the duty of the chief justice of the municipal court to
2 superintend the keeping of the records of said court. He shall have power and
3 authority to prescribe abbreviated and amplified forms of entries of orders,
4 judgments and decrees in the municipal court and in the appellate division
5 thereof, which abbreviated forms shall stand for and represent the respective
6 amplified forms thereof. The entry by any branch court, or by the appellate
7 division, of any order, judgment or decree in such abbreviated form shall, in
8 legal effect, be the adoption by the court of the prescribed amplified form cor-
9 responding to such abbreviated form, and shall have the same force and effect
10 as if such order, judgment or decree were written out in full in the records of
11 said court. Said chief justice shall have the power and authority to prescribe
12 any rules and regulations concerning the adoption and use of any abbreviated
13 and amplified forms or orders, judgments and decrees that are not incon-
14 sistent with this Act.

Sec. 97. The clerk of the municipal court shall keep on hand and furnish
2 to suitors and attorneys on application printed blank forms of praecipes, state-
3 ment of claims, summonses, entries of appearance, affidavits, bonds, attachment
4 writs, replevin writs, petitions for changes of venue, and all other necessary
5 papers, for the use of the parties to suits in such courts. Forms for such
6 papers shall be prescribed by the chief justice of the municipal court. All
7 blanks, books, papers, stationery and furniture necessary to the keeping of the
8 records of the proceedings of such municipal court, and the transaction of the
9 business thereof, shall be furnished the officers of such court at the expense of
10 the city. Expenditures for printing and distributing to the public statistics re-
11 garding the court and all other expenditures on account of such court which
12 may be authorized by the city council, and which are not specifically mentioned
13 in this Act, shall be paid out of the city treasury.

Sec. 98. The clerk of the municipal court shall receive the following fees,
2 to be taxed as costs when the service, in the performance of which the same
3 accrue, is rendered in any cause in said court:

4 *First*—In a case of the first class the plaintiff, at the time of commencing
5 his suit, shall pay to the clerk in full, except as hereinafter stated, for all ser-
6 vices to be rendered by the clerk for the plaintiff in said suit, the sum of \$8.00,
7 and the defendant shall, at the time of entering his appearance, pay to the clerk
8 in full, except as hereinafter stated, for all services to be rendered by the clerk
9 for the defendant in said suit, the sum of \$5.00.

10 *Second*—In a case of the second class the plaintiff shall at the time of com-
11 mencing his suit, pay to the clerk in full, except as hereinafter stated, for all
12 services to be rendered by the clerk for the plaintiff in said suit, the following
13 fees: When the amount claimed by plaintiff in money or property does not ex-
14 ceed \$200.00, the sum of \$2.00; when the amount claimed by plaintiff, in money

15 or property, exceeds \$200.00 but does not exceed \$1,000.00, the sum of \$5.00;
 16 in a case of forcible detainer when the plaintiff does not unite with his claim for
 17 possession of the property any claim for rent or damages, the sum of \$2.00;
 18 when in any action of forcible detainer the plaintiff unites with his claim for
 19 possession of the property a claim for rent or damages, not exceeding the sum
 20 of \$200.00, the further sum of \$2.00; when in any action of forcible detainer
 21 the plaintiff unites with his claim for possession of the property a claim for
 22 rent or damages exceeding \$200.00, the further sum of \$5.00. The defendant in
 23 a case of the second class, at the time of entering his appearance, shall pay to
 24 the clerk in full, except as hereinafter stated, for services to be rendered by said
 25 clerk, if the suit be other than an action of forcible detainer, when the amount
 26 claimed by the plaintiff, in money or property, exceeds \$200.00, the sum of
 27 \$2.00; if the suit be an action of forcible detainer in which the plaintiff unites
 28 with his claim for possession of the property a claim for rent or damages ex-
 29 ceeding \$200.00, the sum of \$2.00. The plaintiff shall, in a case of either the
 30 first or second class, pay to the clerk for the issuance of a citation in supple-
 31 mentary proceedings, the sum of \$2.00; provided no fee shall be charged for an
 32 alias citation. But if there has been a hearing on a citation in supplementary
 33 proceedings or said citation be disposed of, a citation issued thereafter shall
 34 not be deemed an alias citation.

35 *Third*—Any party who demands a trial by jury shall, at the time of mak-
 36 ing said demand, in addition to the above fees, pay to the clerk, whether a de-
 37 mand for jury be made by opposing party or not, the sum of \$6.00.

38 *Fourth*—In criminal and quasi criminal cases and proceedings in the muni-
 39 cipal court instituted in the name or by the authority of the people, or in the
 40 name of any State or county officer in his official capacity, or in the name of the
 41 city of Chicago, or in the name of any officer thereof in his official capacity, or
 42 in the name of any municipal corporation or any board of public park com-

missioners whose territory is situated in whole or in part within the city of Chicago, the clerk's fees in full for services rendered by him, shall be the sum of \$4.00 in all cases other than proceedings for the arrest, examination, commitment and bail of persons charged with criminal offenses, in which last mentioned proceedings the clerk's fees shall be the sum of \$8.00: *Provided, however,* that the court may, in its discretion, order that any part or the whole of the costs in any criminal or quasi criminal case, or the fees of any officer of the court or any part of said fees in any criminal or quasi criminal case, be remitted, in which case the costs or fees so ordered to be remitted shall not be taxed as costs against the defendant.

Fifth—The plaintiff in error in any case pending in the appellate division shall pay to the clerk in full for all services to be rendered by the clerk in said appellate division, the sum of \$10.00, and the defendant in error shall pay to the clerk for all services to be rendered said defendant in error in said appellate division, the sum of \$5.00.

Sixth—In any case where two or more defendants or defendants in error enter an appearance at the same time by the same written appearance, but one fee shall be charged said defendants or defendants in error.

Seventh—The services to be rendered by the clerk as mentioned in this section shall not include the making or furnishing of a transcript of the record or any part thereof in any cause, but in addition to the fees here provided for, the clerk shall receive from the party ordering the same, the sum of fifteen cents for each one hundred words for transcribing any portion of the record, files and proceedings of said court, and in addition thereto the sum of twenty-five cents for the clerk's certificate and seal of the court. In addition to the above, there shall be paid to the clerk the following fees: For taking an acknowledgment of any chattel mortgage, assignment of wages or other written instrument, including the certificate of the clerk thereto, the sum of twenty-five

71 cents, and in addition thereto the sum of fifteen cents for every one hundred
72 words entered or recorded by the clerk.

Sec. 99. The bailiff of the municipal court, or any sheriff, or coroner, shall
2 receive the following fees to be taxed as costs in the cause in which the service
3 is rendered:

4 *First*—The party delivering to the bailiff, or to any sheriff, or coroner, any
5 summons, writ of attachment, writ of replevin, subpoena, writ of execution, or
6 other process, shall, at the time of making such delivery, pay to said officer,
7 in a case of the first class, the sum of one dollar and seventy-five cents (\$1.75), and
8 in a case of the second class the sum of one dollar (\$1.00), for each defendant
9 or other person named in such process upon whom service thereof is to be
10 made, and upon delivering to said bailiff, sheriff, or coroner, any citation in
11 supplementary proceedings, the plaintiff shall pay to said officer, in all cases,
12 the sum of one dollar (\$1.00). In cases of writs of attachment, replevin, or
13 execution, he shall pay to the bailiff, sheriff, or coroner, as the case may be, the
14 further sum of one dollar and seventy-five cents (\$1.75) in a case of the first class,
15 and the further sum of one dollar (\$1.00) in a case of the second class, when
16 any levy upon or seizure of property is to be made thereunder, and shall also pay
17 to said officer the actual expense of seizing and caring for any property levied
18 upon or seized thereunder, and the costs for other services of the bailiff, sheriff,
19 or coroner, as the case may be, shall be the same, except as herein otherwise pro-
20 vided, as those required by law, from time to time, to be paid for similar ser-
21 vices in cases in the circuit and criminal courts of Cook county, excepting that
22 no charge shall be made for mileage in the serving of any writ within the city
23 of Chicago, and no charge shall be allowed for the service of any alias writ,
24 when the costs above provided for the ordinal writ have been paid, but the
25 bailiff or other officer to whom is delivered any alias writ shall receive fifty
26 cents for the return of such alias writ: *Provided, however,* that where an

27 alias writ of attachment or replevin is delivered to said bailiff with instructions
 28 to levy upon or replevin any property by virtue of such alias writ, the party
 29 so delivering the same to said bailiff shall pay to said bailiff the same fee as on
 30 any original writ of attachment or replevin.

31 *Second*—The bailiff, as commissions on moneys realized by execution, shall,
 32 in all cases, collect from the defendant in the execution five (5) per cent upon
 33 the amount realized, if it do not exceed one hundred dollars (\$100.00); but if
 34 the amount realized exceeds one hundred dollars (\$100.00), the bailiff shall col-
 35 lect five (5) per cent on the first one hundred dollars (\$100.00) and three (3)
 36 per cent upon the excess over one hundred dollars (\$100.00).

Sec. 100. The fees and mileage of witnesses shall be the same as those al-
 2 lowed by law, from time to time, to witnesses in cases in the circuit and criminal
 3 courts of Cook county, and any party other than a party to the record cited
 4 to be examined in supplementary proceedings shall be allowed the same fees
 5 and mileage as any other witness: *Provided*, that in any civil cause claim for
 6 such witness fees and mileage shall be supported by affidavit and filed in the
 7 cause within five days after the entry of the final order, judgment or decree.

Sec. 101. A charge of fifteen cents for each one hundred words contained
 2 in any statement of facts procured by the successful party shall be taxed as
 3 costs against the losing party in any case unless otherwise ordered by the
 4 court. All other costs not expressly herein provided for shall be the same
 5 as the costs provided by law in cases in the circuit and criminal courts of Cook
 6 county, and all costs shall be taxed in favor of the successful party and
 7 against the unsuccessful party, in the same way and to the same extent as
 8 costs in similar cases are taxed in the circuit and criminal courts of Cook
 9 county, unless the court shall otherwise direct.

Sec. 102. In any civil case the court may, in its discretion, order that an
 2 advance payment of costs may be waived in favor of any poor person whose

3 financial circumstances, as made to appear to the court, are such that such ad-
4 vance payment would be unduly burdensome or oppressive.

Sec. 103. No advance costs of any kind or character shall be required to
2 be paid in any criminal or quasi-criminal case, but in case of final judgment
3 being entered against the defendant, all the costs of the suit may, in the dis-
4 cretion of the court, be awarded against him and collected by execution or
5 otherwise, as the court may direct. In proceedings for the prevention of the
6 commission of crime, when the complaint is not sustained and the court is of
7 the opinion that the prosecution was commenced maliciously without probable
8 cause, judgment may be given against the complainant for the costs of prose-
9 cution; but when the person complained of is required to give security to keep
10 the peace or for his good behavior, the court may order that the costs of the
11 prosecution, or any part thereof, shall be paid by such person, who may be
12 committed until the costs are paid or he is otherwise legally discharged. In
13 proceedings for the arrest, examination, commitment and bail of persons
14 charged with criminal offenses, where the court finds that an offense has been
15 committed and that there is probable ground to believe the defendant guilty,
16 the clerk shall certify the amount of the costs, and in case of the defendant's
17 indictment and conviction, the same shall be taxed against him as a part of
18 the costs in the cause in which he is so convicted. In proceedings pertaining
19 to searches and seizures of personal property by means of search warrants, the
20 court may, if it appears that there was no probable cause for suing out the
21 warrant, tax costs against the complainant and award execution against him
22 therefor. In bastardy cases, in case judgment is rendered against the defend-
23 ant, the costs shall be taxed against him as a part of the costs in such cause;
24 but in case he is acquitted of the charge, the costs may be taxed against the
25 complaining witness: *Provided*, that in taxing costs in any criminal or quasi-
26 criminal case, no fee for the issuance of a warrant shall be included.

Sec. 104. Any expense incurred on an order of court for keeping jurors
2 together shall be paid out of the treasury of the city of Chicago, upon the cer-
3 tificate of the clerk of the municipal court.

Sec. 105. All moneys collected upon judgments of the municipal court in
2 criminal and quasi-criminal cases shall be paid to the clerk of the court. In
3 bastardy cases said clerk shall immediately pay said moneys to the one for
4 whose use the judgment is entered. The clerk shall, at the end of every
5 three months, apply all moneys collected upon any judgment in any other
6 quasi-criminal case, or in any criminal case, or so much thereof as may be nec-
7 essary, to the payment of the uncollected costs, witness fees and mileage ex-
8 cepted, in criminal cases, quasi-criminal cases instituted in the municipal court
9 in the name of the People, or in the name of any State or county officer in
10 his official capacity, and pay over the balance, if any, to the officer entitled by
11 law to receive the same. The clerk shall, on or before the tenth day of the
12 month, following the month in which any moneys shall have been collected
13 upon judgments in favor of the city of Chicago, pay over all such moneys to
14 said city, and, within the same time, shall pay to the city of Chicago all the costs
15 and one-half of all fines and penalties collected for violation of ordinances of
16 any board of public park commissioners whose territory is situated in whole or
17 in part within the limits of the city of Chicago. The balance of said fines and
18 penalties shall be paid to the respective plaintiffs whose ordinances have been
19 violated.

Sec. 106. All fees and costs collected in each month by the clerk and bail-
2 iff shall be paid over by them respectively to the city of Chicago, on or before
3 the tenth day of the following month, and the clerk and bailiff shall be held
4 personally responsible for all costs required to be paid to them in advance, as
5 hereinbefore provided, and the clerk shall be personally responsible for all
6 fees required as aforesaid to be collected by him and by each deputy clerk.

7 The clerk and bailiff shall be required to keep complete and accurate accounts
8 of all moneys collected by them and by their respective deputies, and such
9 accounts shall, under the direction of the chief justice of said municipal court,
10 be examined and audited monthly, the expense thereof to be paid by the city.

Sec. 107. Wherever any law provides that any document or instrument
2 shall be acknowledged, filed or entered before a justice of the peace, in such
3 cases the clerk of the municipal court shall have the powers of a justice of
4 the peace in respect thereto.

Sec. 108. The offices of justice of the peace, police magistrates and con-
2 stables in and for the territory within the city of Chicago be and they are
3 hereby abolished, and that the jurisdiction of justices of the peace in the ter-
4 ritory of the county of Cook, outside of the city of Chicago, be and it is here-
5 by limited to the territory of said county outside of said city; but this section
6 of this Act shall not become operative until the first Monday of December,
7 A. D. 1906, and on and after said date the jurisdiction hereby conferred upon
8 the municipal court shall exclude the exercise of any portion of such jurisdic-
9 tion by all other courts, excepting courts of record, and on and after said first
10 Monday of December, A. D. 1906, no other court than a court of record shall
11 exercise jurisdiction in any case in which said municipal court is given juris-
12 diction by this Act.

Sec. 109. When the offices of justices of the peace within the city of Chi-
2 cago shall be abolished, the docket of each justice of the peace whose office
3 is thus abolished, and all papers in his possession pertaining to proceedings
4 had before him shall be forthwith delivered up to the clerk of the municipal
5 court, who shall preserve the same in his office kept in the first district, and
6 who shall have full power and authority to certify to transcripts of such pro-
7 ceedings as such justices of the peace would have had had the office not been
8 abolished. Execution directed to the bailiff of the municipal court or to the

9 sheriff of Cook county may be issued by the clerk of said court upon any un-
 10 satisfied judgments rendered by such justice of the peace in all cases in
 11 which the same might have been issued had such office of justice of the peace
 12 not been abolished; and every such execution shall be a lien upon all the per-
 13 sonal property of the defendant subject to execution in Cook county from the
 14 time the same is delivered to the bailiff, and the same may be levied upon any
 15 such property of the defendant in Cook county.

Sec. 110. The invalidity of any portion of this Act shall not affect the valid-
 2 ity of any other portion thereof, which can be given effect without such invalid
 3 part.

Sec. 111. Whereas uncertainty exists as to the meaning of the provisions
 2 of the Act of which this Act is amendatory, therefore an emergency exists, and
 3 this Act shall be in force from and after its passage.

Sec. 112. This Act shall be submitted to a vote of the legal voters of the
 2 city of Chicago at the first regular municipal, judicial, general or special elec-
 3 tion which shall occur in said city of Chicago, after the date of the passage of
 4 this Act. The ballots to be used at said election in voting upon this Act shall
 5 be in substantially the following form:

For consenting to the Act entitled, "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago, approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, 'An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905."	
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Against consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905, as amended by an Act ap- proved June 3, 1907, entitled, 'An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905."	
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6 If a majority of the legal voters of said city voting on the question at such
7 election shall vote in favor or consenting to this Act, the same shall immediately
8 thereupon take effect and become operative.

 Sec. 113. "An Act in relation to a municipal court in the city of Chicago,"
2 approved May 18, 1905, and "An Act to amend an Act entitled 'An Act in rela-
3 tion to a municipal court in the city of Chicago,' approved May 18, 1905," ap-
4 proved June 3, 1907, be and the same are hereby repealed.

1 Introduced by Mr. Church, by request, April 15, 1909.

2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act to amend an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by an Act approved June 3, 1907, and by adding thereto nineteen new sections, to be known as sections 29a, 29b, 29c, 50e, 56a, 59a, 63a, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-eight, twenty-nine, thirty, thirty-one, thirty-eight, forty-two, forty-eight, fifty, fifty-a, fifty-b, fifty-four, fifty-six, fifty-seven, fifty-eight, sixty-two and sixty-three of an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, "An Act to amend an

8 Act entitled, 'An Act in relation to a municipal court in the city of Chicago,'
9 approved May 18, 1905," be and the same are hereby amended, and that said
10 Act be and it is hereby further amended by adding thereto nineteen (19) ad-
11 ditional sections, to be known as sections twenty-nine-a, twenty-nine-b, twenty-
12 nine-c, fifty-e, fifty-six-a, fifty-nine-a, sixty-three-a, sixty-eight, sixty-nine, sev-
13 enty, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, sev-
14 enty-six, seventy-seven, seventy-eight and seventy-nine, which said sections as
15 amended and said additional sections shall read as follows:

16 Sec. 1. That there shall be established, in and for the city of Chicago, a
17 municipal court, which shall be a court of record and be styled "the munici-
18 pal court of Chicago," hereinafter designated and referred to as the munici-
19 pal court, and the jurisdiction of which shall be exercised in the manner here-
20 inafter prescribed by branch courts and by an appellate division of said mu-
21 nicipal court. Each branch court shall exercise all the powers in this Act
22 declared to be vested in the municipal court, and reference hereinafter to the
23 municipal court shall, for convenience, be deemed as reference to a branch
24 court thereof, unless the context shows otherwise. The appellate division of
25 said municipal court shall be composed of the number of judges provided for
26 in this Act and the clerk and bailiff of said municipal court, and shall exer-
27 cise the jurisdiction hereinafter provided.

28 Sec. 19. Until otherwise determined by rules of said court, and except
29 as by this Act is otherwise prescribed, the practice and procedure in the mu-
30 nicipal court shall be the same, as near as may be, as that which may from
31 time to time be prescribed by law for similar suits or proceedings in circuit
32 courts, and in the criminal court of Cook county, Illinois, excepting that in
33 cases of the fourth class and cases of the fifth class mentioned in section two
34 (2) of this Act, the issues shall be determined without other forms of written

35 pleadings than those hereinafter expressly prescribed or provided for. Said
36 municipal court shall be the sole judge of the applicability to the proceedings
37 of said court of the rules of practice and procedure prescribed by law for sim-
38 ilar cases in the circuit and criminal courts of Cook county, and its decisions
39 in respect thereto shall not be subject to review in the appellate division of the
40 municipal court or in the Supreme Court: *Provided, however,* that the appel-
41 late division or the Supreme Court, as the case may be, may grant relief from
42 any such decision in any case where, in the opinion of the appellate division
43 or the Supreme Court, such relief is necessary to prevent a failure of
44 justice.

45 Sec. 20. The judges of said municipal court shall have power to adopt,
46 in addition to the provisions herein contained prescribing the practice and
47 procedure in said municipal court, or in lieu of any portion or portions of the
48 provisions concerning practice and procedure in circuit courts, such rules regu-
49 lating the practice and procedure in said municipal court as they may deem
50 necessary or expedient for the proper administration of justice therein: *Pro-*
51 *vided, however,* that no such rule or rules so adopted shall be inconsistent
52 with those expressly provided for by this Act. The adoption of said rules
53 shall be accomplished by an order signed by a majority of said judges, which
54 order, when made, shall be forthwith spread upon the records of the municipal
55 court and shall be printed in pamphlet form, at the expense of the city. The
56 Supreme Court shall have power, in its discretion, to substitute for the rule
57 or rules so adopted by said judges of said municipal court, or for any portion
58 thereof, such other rules as the Supreme Court may deem necessary, and may,
59 in its discretion, of its own motion or otherwise, make any order respecting
60 the rules of said municipal court which it may deem proper. The appellate
61 division and Supreme Court, in cases brought before them from the municipal

62 court, shall take judicial notice of the rules of practice from time to time in
63 force in said municipal court and in the appellate division thereof.

64 Sec. 21. There shall be no stated terms of the municipal court, but said
65 court shall always be open for the transaction of business. Every judgment,
66 order or decree of said court, final in its nature, shall be subject to be vacated,
67 set aside or modified, in the same manner and to the same extent as a judg-
68 ment, order or decree of a circuit court during the term at which the same
69 was rendered in such circuit court: *Provided*, a motion to vacate, set aside
70 or modify the same may be entered in said municipal court within thirty days
71 after the entry of such judgment, order or decree. If no motion to vacate,
72 set aside or modify any such judgment, order or decree shall be en-
73 tered within thirty days after the entry of such judgment, order or decree,
74 the same shall not be vacated, set aside or modified, excepting by the appel-
75 late division or the Supreme Court, in cases brought before them, as provided
76 by law, or by a bill in equity, or by a petition to said municipal court, set-
77 ting forth grounds for vacating, setting aside or modifying the same, which
78 would be sufficient to cause the same to be vacated, set aside or modified by
79 a bill in equity: *Provided, however*, that all errors in fact in the proceedings
80 in such case, which might have been corrected at common law by the writ of
81 error *coram nobis*, may be corrected by motion, or the judgment may be set
82 aside, in the manner provided by law for similar cases in the circuit
83 court.

84 Sec. 22. Any party to any civil case against whom there has been ren-
85 dered any final order, judgment or decree of the municipal court, and who shall
86 desire to obtain a review of such final order, judgment or decree in the ap-
87 pellate division, and who shall, for that purpose, also desire a stay of execu-
88 tion, may, after the filing of the petition for review as hereinafter provided,
89 obtain from a branch court or the appellate division a stay of execution upon

90 such order, judgment or decree for ninety (90) days after the entry thereof
91 by the giving of a bond with a sufficient surety or sureties, to be approved by
92 a judge of a branch court or of the appellate division, conditioned for the
93 due prosecution of said cause in said appellate division and otherwise, as near
94 as may be, as an appeal bond in case of an appeal from a similar order, judgment
95 or decree of a circuit court is required to be conditioned. No such
96 bond, however, need be given in any case if the party filing said petition for
97 review shall not desire a stay of execution. No other or further stay of
98 proceedings or execution in any such case shall be allowed by the municipal
99 court; but the appellate division or the Supreme Court, or any
100 judge thereof, may allow a supersedeas, as in other cases; but upon the allow-
101 ance of any supersedeas, when any bond has been given as above provided,
102 no additional bond shall be required, and such supersedeas shall be operative
103 until the final determination of said cause in said appellate division, or the
104 Supreme Court, as the case may be. Upon the filing of a petition for the re-
105 view in the appellate division of any criminal cause of which said appellate
106 division has jurisdiction, any judge of said appellate division or of any
107 branch court may admit any defendant to bail and may grant a
108 stay of execution pending the determination of said cause in said
109 appellate division.

110 Sec. 23. The evidence admitted and offered on the hearing of any mo-
111 tion or matter or on the trial of any cause in the municipal court, the rul-
112 ings of the court thereon and any other proceedings not otherwise of record
113 may be made matter of record for review by the appellate division of the
114 municipal court or the Supreme Court, by being embodied in a statement of
115 facts. Said statement of facts may be the stipulation of parties as to such
116 facts as are deemed necessary or material to a proper review of the cause,
117 a complete stenographic or other report of all said evidence, rulings and

118 proceedings, or such abstract or abridgement thereof as is deemed sufficient
119 for a proper review of the cause. Said statement of facts may contain a
120 stipulation as to part of the facts, a complete stenographic or other report
121 as to other facts, or as to the testimony of certain witnesses, and an ab-
122 stract or abridgment as to still other facts or as to the testimony of other
123 witnesses. Concise statements of questions of law arising on any of said facts
124 and the decisions of the branch court thereon may be inserted in said state-
125 ment of facts. It shall not be necessary to copy affidavits, depositions or ex-
126 hibits in said statement of facts, but the originals thereof may be embodied
127 therein or identified by proper reference. Said statement of facts shall
128 have attached thereto a certificate, signed by the judge before whom said pro-
129 ceedings were had or otherwise, as provided in this section, authenticating
130 the same as a complete report, a stipulation or abstract or abridgment as
131 aforesaid, as the case may be, and where said statement is not a complete
132 report as aforesaid, said certificate shall certify that said statement contains
133 all such facts as are necessary or material to a proper review of said cause.
134 Said statement of facts shall be prepared and tendered to the judge for cer-
135 tification by the party desiring the review of any cause in the appellate divi-
136 sion or in the Supreme Court, within thirty days after the entry of the final
137 judgment, order or decree of the municipal court or within such further time
138 as may, upon application therefor, within said thirty days, be allowed by the
139 court. Any party deeming said statement of facts insufficient may prepare
140 and tender a supplemental statement of facts for certification within such
141 time as may be limited by rule or order of court. Any such statement of
142 facts or supplemental statement of facts shall be deemed sufficiently authenti-
143 cated if signed by any one of the judges presiding in the branch court in
144 which the cause was tried, if more than one judge sat at the trial of the cause;
145 and in case the judge before whom the cause was tried, is, by reason of death,
146 sickness or other disability, unable to hear and pass upon a motion for a new

147 trial in the cause and sign a statement of facts, showing the same, then the
 148 judge who succeeds such trial judge, or any other judge of the municipal
 149 court, if the evidence in such case is taken in stenographic notes, or if said
 150 judge is satisfied by any other means that he can pass upon such motion and
 151 allow a true statement of facts, shall pass upon said motion and allow and
 152 sign such statement of facts; and his ruling upon such motion and allowance
 153 and signing of such statement of facts shall be as valid as if such ruling and allow-
 154 ance and signing had been made by the judge before whom such cause was
 155 tried. But if such judge is satisfied that owing to the fact that he did not preside
 156 at the trial, or for any other cause he cannot fairly pass upon said motion
 157 and allow and sign said statement of facts, then he may, in his discretion,
 158 grant a new trial to the party moving therefor. Such statement of facts, in-
 159 stead of a copy, shall be incorporated in any transcript or record to be filed
 160 in the Supreme Court, and upon the final determination of the cause in the
 161 Supreme Court shall be remitted to the municipal court.

162 Sec. 28. Until otherwise provided by the rules of the municipal court,
 163 cases of the first class mentioned in section two (2) of this Act shall be com-
 164 menced and prosecuted in said municipal court in the same manner in which
 165 similar suits and proceedings are required to be commenced and prosecuted
 166 in the circuit courts, except as is herein otherwise prescribed, and excepting
 167 also in the following particulars:

168 *First*—The first process, whether summons or other writ, shall be directed
 169 to the bailiff to execute, and shall be returnable upon some Monday at least
 170 five days, and not more than twenty days, after the date thereof.

171 *Second*—Service of such summons or other writ shall be made by deliv-
 172 ering a copy thereof to the defendant, if an individual, and informing him of
 173 the contents thereof.

174 *Third*—In a case of the first class, an incorporated company may
 175 be served with process by leaving a copy thereof with its president, if
 176 he can be found in the city of Chicago; and if he shall not be found in the
 177 city of Chicago, then by leaving a copy of the process with any clerk, sec-
 178 retary, superintendent, general agent, cashier, principal, director, engineer,
 179 conductor, station agent, or any agent of said company found in the city
 180 of Chicago.

181 *Fourth*—In a case of the first class, the receiver or receivers of an in-
 182 corporated company, or a trustee or trustees operating, managing or con-
 183 trolling a railway, may, in a case of the first class, be served with process by
 184 leaving a copy of such process with such receiver, receivers, trustee or trus-
 185 tees, if he or they can be found in the city of Chicago; and if he or they
 186 shall not be found in the city of Chicago, then by leaving a copy of such pro-
 187 cess with any clerk, secretary, superintendent, general agent, engineer, con-
 188 ductor, station agent or any agent in the employ of such receiver, receivers,
 189 trustee or trustees who may be found in the city of Chicago.

190 *Fifth*—In a case of the first class, notice to the defendant by publication
 191 may be given under like circumstances and in the same manner as is pro-
 192 vided by law for similar cases in the circuit courts; but the notice published,
 193 in lieu of stating the time of the return of the summons or writ, shall state
 194 the date on or before which the defendant is required to appear, which
 195 date shall be some Monday not less than forty nor more than sixty days
 196 after the date of the first publication of notice, as the plaintiff may
 197 require.

198 *Sixth*—No suit of the first class shall be commenced in the municipal
 199 court unless the defendant, if there be one defendant, is found within
 200 the city of Chicago; but when there are two or more defendants, one of
 201 whom is served with process in the city of Chicago, a summons or other
 202 writ may be issued to the sheriff of Cook county for any defendant to be

203 found in said county; but outside of the city of Chicago, or to the sheriff
204 of any other county for any defendant to be found in such county; and serv-
205 ice of any summons or other writ so issued shall be made in the same
206 manner as is required in the case of process directed to the bailiff: *Pro-*
207 *vided, however,* that no judgment shall in any case be rendered against any
208 defendant served with process outside of the city of Chicago, unless judgment
209 be also rendered against a defendant served within the city of Chicago. If
210 in any case where there is more than one defendant, process is duly served
211 upon one or more defendants and returned not served as to another defend-
212 ant, or other defendants, the suit shall proceed as in like cases in the cir-
213 cuit court.

214 *Seventh*—The provisions of paragraph six of this section shall not apply
215 to cases of attachment, garnishment, replevin or distress for rent, which suits
216 may be brought in the municipal court when the property or any
217 part thereof, to be affected, or any garnishee, is found within the city
218 of Chicago.

219 *Eighth*—The plaintiff shall file his declaration within three days after
220 the commencement of the suit, in default whereof the suit shall be dismissed,
221 unless the court, by an order entered in said suit prior to the date of service
222 of process or filing of appearance, shall extend the time for filing such dec-
223 laration.

224 *Ninth*—The defendant shall, in case he shall have been served with pro-
225 cess three days or more prior to the return day thereof, enter his appear-
226 ance on or before such return day and shall demur or plead to the declar-
227 ation or the complaint on or before the Monday succeeding such return day;
228 but in case the summons or other writ shall have been served less than three
229 days prior to the return day the defendant shall not be required to enter his
230 appearance until on or before the first Monday succeeding such return day
231 and shall not be required to plead to the declaration or complaint until on or

232 before the second Monday after such return day. In case the time for filing
233 the declaration or complaint shall be extended by the court, the time for the
234 defendant to demur or plead to the same shall be extended until the second
235 Monday succeeding the expiration of such extension of time. The time with-
236 in which the defendant is required to demur or plead may be extended by
237 the court, in its discretion. In case the defendant shall fail to enter his ap-
238 pearance or to demur or plead within the time thus required, the plaintiff
239 shall be entitled to judgment by default.

240 *Tenth*—The judges of said municipal court may, by rules adopted in the
241 manner prescribed by this Act, provide that the practice, in cases of the first
242 class, shall be the same as in this Act provided for in cases of the fourth
243 class. But all cases provided for in this section shall be commenced, prose-
244 cuted and disposed of in the first district.

245 Sec. 29. No suit of the fourth class shall be commenced in the munici-
246 pal court unless the defendant, if there be but one defendant, is found with-
247 in the district in which the suit is brought; but when there are two or more
248 defendants, one of whom is served with process in the district in which the
249 suit is brought, the bailiff may serve the process on any other defendant at
250 any place within the city of Chicago, and a summons or other writ may be
251 issued to the sheriff of Cook county for any defendant to be found in said
252 county; but outside of the city of Chicago, or to the sheriff of any other
253 county for any defendant to be found in such county; and service of any
254 summons or other writ so issued shall be made in the same manner as is re-
255 quired in the case of process directed to the bailiff: *Provided, however,* that
256 no judgment shall, in any case of the fourth class, be rendered against any
257 defendant served with process outside of the district in which the suit is
258 brought, unless judgment be also rendered against a defendant served within
259 such district. If, in any case where there is more than one defendant, pro-

cess is duly served upon one or more defendants and returned not served as to another defendant, or other defendants, the suit shall proceed as in like cases in the circuit court. But all suits against municipal corporations shall be brought in the first district: *Provided, also*, cases of attachment, garnishment, replevin, distress for rent, forcible detainer, or trial of the right of property may be brought in the municipal court when the property, or any part thereof, to be affected, or any garnishee, is found within the district in which the suit is brought.

Sec. 29a. In a case of the fourth class, service of summons or other writ shall be made by delivering a copy thereof to the defendant, if an individual, and informing him of the contents thereof: *Provided*, that in forcible detainer cases where no claim for rent is joined with the complaint for possession, service of summons may be made by delivering a copy thereof to the defendant, or by leaving such copy at his usual place of abode, with some person of the family of the age of twelve years or upwards, and informing such person of the contents thereof. An incorporated company may be served with process by leaving a copy thereof with its president, if he can be found in the district in which the suit is brought; and if he shall not be found in such district, then by leaving a copy of the process with any clerk, secretary, superintendent, general agent, cashier, principal, director, engineer, conductor, station agent, or any agent of said company, if any one of them can be found in said district. The receiver or receivers of an incorporated company, or a trustee or trustees operating, managing or controlling a railway, may be served with process by leaving a copy of such process with such receiver, receivers, trustee or trustees if he or they can be found in the district in which the suit is brought and if he or they shall not be found in such district then by leaving a copy of such process with any clerk, secretary, superintendent, general agent, engineer, conductor, station agent or any agent in the employ of such receiver, receivers, trustee or trustees, if any one of them

can be found in said district. There shall be attached to the copy of the summons thus served a copy of the plaintiff's praecipe and statement of claim and of affidavit of claim if there be one. If any attachment or distress for rent case, if the amount claimed by the plaintiff exclusive of costs, does not exceed two hundred dollars (\$200), or if the case be a forcible detainer case and no claim for rent is joined with the complaint for possession when service of summons or other writ cannot be had and when it shall appear by affidavit or the return of the officer that the defendant is not a resident of this State, or has departed from this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him, then the defendant may be notified by posting or by posting and mailing of notices as hereinafter provided in this section. Whenever in any of the cases mentioned in this section notice by posting is required or proper to be given to any defendant, said notice shall be in the name of the clerk of the court, be directed to the defendant, shall state the nature of the process against the defendant and at whose instance issued, the amount claimed to be due if for a money demand, the time and place of trial, and shall also state that unless said defendant shall appear at the time and place fixed for trial, judgment will be entered by default, and shall also state the character of the judgment that will be rendered in said cause and of the execution that will be issued thereon, three copies of which notice the bailiff shall post in three public places in the neighborhood of the court where said cause is to be tried, at least ten days prior to the day set for the trial, and if the place of residence of the defendant is stated in any affidavit on file, the bailiff shall at the same time mail one copy of the notice addressed to such defendant at such place of residence, and before the defendant shall be defaulted said bailiff shall file said notice with an endorsement thereon stating the time when and places where he posted and to whom and at what address he mailed copies of said notice; but if the case be an attachment or distress

for rent case and the amount claimed by the plaintiff, exclusive of costs, exceeds two hundred dollars (\$200), or if the case be replevin, the defendant may be notified by publication or publication and mailing of notices as provided in the fifth paragraph of section 28 of this Act; if the case be one of the trial of right of property or any other case where others interested in the litigation should be notified, such notice to the defendant and others interested shall be given as shall be ordered by the court.

Sec. 29b. When, upon the complaint of any defendant, it shall be made to appear to the municipal court in any district that the suit has been improperly brought therein, the court shall not be required on that account to dismiss the suit, if the municipal court in any district could properly have jurisdiction thereof, but in such case the court may cause such suit to be transferred to the proper district and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer: *And, provided, further,* that whenever a trial by jury is demanded in any case, whether civil criminal or quasi-criminal, the court may, in its discretion, direct the trial of said case to be had in the first district, and for that purpose may cause said case to be transferred to the first district, to be there tried and disposed of.

Sec. 29c. If the plaintiff in any suit upon a contract, express or implied, for the payment of money, shall file with his declaration, if the case be a first class case or with his statement of claim if the case be a fourth class case, an affidavit showing the nature of his demand, and the amount due him from the defendant, after allowing to the defendant all his just credits, deductions and set-offs, if any, he shall be entitled to judgment, as in case of default, unless the defendant or his agent or attorney shall file with his plea,

345 if the case be a first class case, or with his appearance, if the case be a fourth
 346 class case, an affidavit, stating that he verily believes the defendant has a
 347 good defense to said suit upon the merits to the whole or a portion of the
 348 plaintiff's demand, and specifying the nature of such defense, and if a portion
 349 specifying the amount (according to the best of his judgment and belief):
 350 *Provided, however,* that any defendant may, in the discretion of the court, by
 351 order duly entered, be permitted to make his defense without any affidavit
 352 of merits or defense. Upon good cause shown, the time for filing such affi-
 353 davit may be extended for such reasonable time as the court shall order;
 354 no affidavit of merits need be filed with a demurrer or motion: *Provided,*
 355 that this section shall not apply to any case where an executor or adminis-
 356 trator shall defend in behalf of an estate. If the affidavit of defense is to
 357 only a portion of the plaintiff's demand, the plaintiff shall be entitled to a
 358 judgment for the balance of his demand and the suit shall thereafter pro-
 359 ceed as to the portion of the plaintiff's demand in dispute as if the suit had
 360 been brought therefor; but in such case the court may make such order as
 361 to the costs of the suit as may be equitable.

362 Sec. 30. That every suit at law in the municipal court other than a
 363 case of the second class or a case of the third class, or a case of the fifth
 364 class, or a bastardy case, mentioned in section two of this Act, shall be tried
 365 by the court without a jury unless the plaintiff, at the time he commences
 366 his suit, or the defendant, at the time he enters his appearance, shall file with
 367 the clerk a demand in writing for a trial by jury, which demand, however,
 368 may be withdrawn by the party filing the same at any time before the trial.
 369 Every civil suit at law of the second class shall be tried by the court with-
 370 out a jury unless the respective parties, or one of them shall, at the time of
 371 entering their or his appearance in the municipal court, file with the clerk
 372 a demand in writing for a trial by jury. Every person desirous of suffering

373 a nonsuit shall be barred therefrom unless he do so before the jury retire
374 from the bar, or if the case is tried before the court without a jury, before
375 the cause is submitted for final decision.

376 Sec. 31. In all cases tried by a jury in the municipal court each party
377 shall be entitled to a challenge of the same number of jurors, without show-
378 ing cause for such challenge, as are allowed in similar cases in the circuit
379 court and in the criminal court of Cook county, and challenges for statutory
380 and other causes shall be allowed as in similar cases in the circuit court and
381 in said criminal court of Cook county. It shall be the duty of the judge pre-
382 siding at the trial to examine or cause to be examined all jurors called into
383 the jury box in any case with respect to their statutory qualifications to
384 serve as petit jurors in such case, unless said examination shall have been
385 previously made as above provided, and to permit the plaintiff and the de-
386 fendant to propound to the jurors such pertinent questions as may be neces-
387 sary for the purpose of ascertaining whether the jurors are biased or
388 prejudiced; but upon proceedings filed in the appellate division or supreme
389 court to review any judgment of said municipal court in any case tried therein
390 by a jury, no assignment of errors shall be allowed which shall call in ques-
391 tion any ruling of the court pertaining to or connected with the impaneling
392 of the jury, other than one improperly restricting the right of a party to ex-
393 amine the jurors as to bias or prejudice, or improperly overruling a challenge
394 by a party of a juror for bias or prejudice.

395 Sec. 38. No exceptions to the rulings or decisions of the municipal court
396 on any matter whatever, which appear to have been made against the objec-
397 tion of the party complaining thereof, shall be necessary to the right of any
398 party to a review of such rulings or decisions in the appellate division of
399 the municipal court or in the supreme court upon their merits, but it shall
400 be the duty of said appellate division or the supreme court, as the case may

401 be, to decide such case upon its merits, notwithstanding no exceptions were
402 taken in the municipal court.

403 Sec. 42. It shall be the duty of the bailiff having any summons or other
404 writ in any case of the fourth class to serve the same, when it shall be prac-
405 ticable, three days or more prior to the return day thereof, and if the same shall
406 not be so served, it shall be returned immediately after the expiration of the
407 third day prior to the day mentioned therein as the return day thereof, pro-
408 vided any writ of attachment or replevin or distress warrant may be levied
409 upon property at any time prior to the return day mentioned in such writ.
410 In any civil case of any class mentioned in section two (2) of this Act, or in
411 any quasi-criminal case, whenever it shall appear, by the return of the officer
412 having any summons, writ of attachment or writ of replevin, that any de-
413 fendant or garnishee is not found or that property sought to be replevined
414 or levied upon has not been replevined or levied upon the clerk shall, at the re-
415 quest of the plaintiff issue another summons or another writ, as the case may be,
416 and so on until service is had upon the defendant or garnishee or the property
417 sought to be replevined or levied upon is in fact replevined or levied upon. Any
418 such alias or pluries summons or other writ shall be issued, be made returnable
419 and served in the same manner as in the case of original summons or other writ.

420 Sec. 48. In attachment, garnishment, replevin, distress for rent and
421 forcible detainer cases of the fourth class no statement of claim shall be
422 necessary. Affidavits for attachment, garnishment and replevin, copy of the
423 distress warrant in a case of distress for rent, and complaint in forcible de-
424 tainer shall be the only written pleadings required, except such other written
425 pleadings or statements as may be required from time to time by the rules of
426 the municipal court. In garnishment cases the party for whose use the pro-
427 ceeding is instituted shall be designated plaintiff and the judgment debtor
428 shall be designated defendant and the party upon whom garnishment process

429 is served shall be designated garnishee. In forcible detainer cases the plain-
430 tiff may unite with his claim for possession of the property any claim for
431 rent or damages for withholding possession of the same when the amount
432 claimed by the plaintiff, exclusive of costs, does not exceed one thousand dol-
433 lars (\$1,000).

434 Sec. 50. Upon the arrest of any person for any criminal or quasi-criminal
435 offense within the jurisdiction of the municipal court, any judge of the
436 municipal court, or any judge of the circuit or superior court of Cook county,
437 shall have power to let such person to bail; and in case of the arrest of any
438 person for any quasi-criminal offense, or for any offense when the punish-
439 ment is by fine or imprisonment otherwise than in the penitentiary, the chief
440 of police or any captain or lieutenant or sergeant of police of the city of
441 Chicago, or any deputy clerk designated for that purpose by an order signed
442 by a majority of the judges of the municipal court, shall have power to let
443 such person to bail. The bail bond in any criminal case in which the pun-
444 ishment may be otherwise than by fine, shall be conditioned for the personal
445 appearance of the person arrested before some branch court at a time fixed
446 in said bond for such personal appearance, and from day to day thereafter
447 until the final judgment or order of the court. In quasi-criminal cases and
448 in criminal cases in which the punishment may be by fine only, the bail bond
449 shall be conditioned for the personal appearance of the person arrested be-
450 fore some branch court at a time fixed in said bond for such personal appear-
451 ance and from day to day thereafter until the final judgment or order of the
452 court, and in default of such personal appearance for the immediate payment
453 of any judgment that may be rendered in said case. Any bond so taken shall
454 be signed by one or more sureties to be approved by such judge or officer,
455 who shall be authorized and required to administer oaths for the purpose of

ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the clerk of the municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulations by such rules as may be adopted by a majority of the judges of the municipal court, as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested; or, if there be no judge then in attendance upon such court, before the municipal court in any other district at which there may be then a judge in attendance, to be dealt with by such court according to law. The court may by rule provide that any defendant arrested in any criminal case in which the punishment is by fine or imprisonment otherwise than in the penitentiary, or in any quasi-criminal case, in lieu of giving bail for his personal appearance, may deposit with the clerk or with the police officer letting such person to bail, to be by such police officer paid over to the clerk within twenty-four hours after such deposit is made, such sum of money as the court may deem sufficient to secure his personal appearance at the time or times fixed therefor, such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear in person at the time or times so fixed; except that in quasi-criminal cases and criminal cases in which the punishment may be by fine only, the judgment and costs shall be deducted from such cash deposit and the balance returned to the person depositing same. If, upon an application made at any time within thirty days after any forfeiture provided for in this section such defendant shall prove to the satisfaction of the court that his failure to so appear was the result of serious illness, or other unavoidable accident, the court may, by order, set aside such forfeiture. Other proceedings for the forfeiture of recognizances and bail bonds in criminal and quasi-criminal cases shall be the same, as near as may be, as provided for

484 the forfeiture of recognizances and bail bonds in criminal cases in the crimi-
485 nal court of Cook county.

486 Sec. 50a. The practice and proceedings in the municipal court in bastardy
487 cases shall be as follows:

488 *First*—Whenever an unmarried woman, who shall be pregnant or delivered
489 of a child, which by law would be deemed a bastard, shall file in the munici-
490 pal court, if she be pregnant, or so delivered in the city of Chicago, or the
491 person accused be found in said city of Chicago; her complaint in writing,
492 under oath or affirmation, accusing a person of being the father of such child,
493 the court shall order a warrant to issue against the person so accused and
494 cause him to be brought forthwith before the court.

495 *Second*—Such warrant shall be issued to the bailiff and to all sheriffs,
496 coroners and constables in the State of Illinois and may be executed by any
497 officer in any county.

498 *Third*—If, upon the appearance of the defendant in any bastardy case,
499 the woman be not delivered, and the probable date of the delivery is thirty
500 days or more after the appearance of the defendant as aforesaid, it shall
501 be the duty of the court to examine the woman upon oath or affirmation in
502 the presence of the man alleged to be the father of the child, touching the
503 charge against him. The defendant shall have the right to controvert such
504 charge, and evidence may be heard as in case of trial before the county
505 court. If the court shall be of the opinion that sufficient cause appears, it
506 shall be the duty of the court to bind the person so accused in recognizance
507 with sufficient security, to appear before said court at a time after the proba-
508 ble date of the delivery of the child to which said cause may be continued,
509 to answer to said charge. On neglect or refusal to enter into a recognizance
510 with security, the court shall cause such person to be committed to the jail
511 of the county of Cook, there to be held to answer to the complaint. If, at the

512 time to which said cause may be continued said child be not born, or the
 513 mother be unable to attend court, said cause shall be further continued until
 514 she is able, and any recognizance entered into by the defendant to secure
 515 his appearance shall stand until the final disposition of the cause. After the
 516 birth of the child the court shall cause an issue to be made up whether the
 517 person charged as aforesaid is the real father of the child or not, which issue
 518 shall be tried by a jury, unless the parties shall elect to waive a trial by jury,
 519 in which case the issue shall be tried by the court without a jury.

520 *Fourth*—Pending the trial of such issue, and the final disposition of the
 521 matter, if the defendant shall not have given bond as aforesaid prior to such
 522 delivery, the court shall require the defendant to enter into a recognizance,
 523 in such an amount and with such sureties as the court may deem just, for the
 524 appearance of the defendant from day to day until the entry of the final
 525 judgment.

526 *Fifth*—All further proceedings in the case shall be the same, as near as
 527 may be, as are provided by law for similar cases in the criminal court of Cook
 528 county.

529 Sec. 50b. The practice in the municipal court in proceedings to prevent
 530 the commission of crimes shall be the same, as near as may be, as is now
 531 provided by law for similar proceedings before judges of courts of record
 532 and justices of the peace, with the following exceptions:

533 *First*—The complaint shall be filed with the clerk of the municipal court,
 534 who, when so ordered by the court, shall issue a warrant to the bailiff re-
 535 quiring him to forthwith apprehend the person complained of and bring him
 536 before the court.

537 *Second*—All proceedings in such cases shall be proceedings in court, in-
 538 stead of proceedings before a judge thereof, and all orders entered in such

proceedings shall be orders of court, instead of orders of a judge thereof,
and shall be entered of record as orders in other cases.

Third—Recognizance may be taken in open court, and when so taken shall
have the same force and effect, and be enforced in the same manner as re-
cognizances in other cases taken in open court.

Sec. 50e. Any judge of the municipal court to whom application is made
for a warrant, capias or writ of attachment, in any case of criminal or quasi-
criminal nature, when he is not presiding in court, shall have power and
authority to issue such warrant, capias or writ of attachment and sign the
same with his own name as judge of the municipal court, and indorse there-
on the amount of bail in which defendant shall be held, which warrant, capias
or writ of attachment, when so signed by the judge, shall have the same force
and effect as if the same were issued and signed by the clerk of the court.
Any complaint or affidavit received by such judge upon the issuance of such
warrant, capias or writ of attachment shall be filed with the clerk as soon
as may be after the issuing of such warrant, capias or writ of attachment.

Sec. 54. The municipal court shall take judicial notice of all matters of
which courts of general jurisdiction of this State are required to take judicial
notice, and also the following:

1. All general ordinances of the city of Chicago and all general ordi-
nances of every municipal corporation situated in whole or in part within the
limits of the city of Chicago, and all ordinances of any municipal corporation
remaining in force after the annexation of the territory of such municipal
corporation, in whole or in part, to the city of Chicago, and of the legal pub-
lication of said ordinances.

2. All laws of a public nature enacted by any state or territory of the
United States.

566 Sec. 56. The costs in civil cases in the municipal court shall be as follows:

567 *First*—In a case of the first class mentioned in section two (2) of this
 568 Act, the plaintiff, at the time of commencing his suit, shall pay to the clerk
 569 in full for all services to be rendered by said clerk for the plaintiff in said
 570 suit other than the making or furnishing of transcripts of the record, the
 571 sum of eight dollars (\$8.00), and if he at the same time files with the clerk
 572 a demand in writing for a trial by jury, he shall pay to the clerk the further
 573 sum of six dollars (\$6.00).

574 *Second*—In a case of the second class mentioned in section two (2) of
 575 this Act, the party requesting the transfer of the case at the time of the
 576 filing in the municipal court of the transcript of the record of the proceed-
 577 ings of the court from which the case was transferred, shall pay to the clerk
 578 in full for all services to be rendered by said clerk for said party in said suit
 579 other than the making or furnishing of transcripts of the record, the sum of
 580 one dollar (\$1.00), and if the said party at the same time, or the other party
 581 to said case, at the time of entering his appearance, files with the clerk a de-
 582 mand in writing for a trial by jury, the party so filing such demand shall pay
 583 to the clerk the further sum of six dollars (\$6.00).

584 *Third*—In any case of the first class mentioned in section two (2) of
 585 this Act, the defendant, at the time of filing his appearance and before he
 586 shall be permitted to make any defense, shall pay the clerk in full for all ser-
 587 vices to be rendered by said clerk for the defendant in said suit, other than
 588 the making or furnishing of transcripts of record, the sum of five dollars
 589 (\$5.00); and if such defendant shall, at the time of entering his appearance,
 590 also file with the clerk a demand in writing for a trial by jury, he shall pay
 591 to the clerk the further sum of six dollars (\$6.00).

592 *Fourth*—In any case of the fourth class mentioned in section two (2)
 593 of this Act, the plaintiff, at the time of commencing his suit, shall pay to the
 594 clerk for all services to be rendered by said clerk, if such case be other than

595 an action of forcible detainer, the sum of two dollars (\$2.00), when the amount
 596 claimed by him in money or property does not exceed two hundred dollars
 597 (\$200.00); the sum of five dollars (\$5.00) when the amount claimed by him in
 598 money or property exceeds two hundred dollars (\$200.00) but does not ex-
 599 ceed one thousand dollars (\$1,000.00); and in a case of forcible detainer the
 600 sum of two dollars (\$2.00) when the plaintiff does not unite with his claim
 601 for possession of the property any claim for rent or damages, but when he
 602 does unite with his claim for possession of the property a claim for rent or
 603 damages, he shall pay to the clerk the further sum of two dollars (\$2.00),
 604 when the amount claimed for rent or damages does not exceed two hundred
 605 dollars (\$200.00), and the further sum of five dollars (\$5.00) when the amount
 606 claimed for rent or damages exceeds two hundred dollars (\$200.00); and in
 607 every case of the fourth class, if the plaintiff, at the time he commences his
 608 suit, files with the clerk a demand in writing for a trial by jury, he shall pay
 609 to the clerk the further sum of six dollars (\$6.00).

610 *Fifth*—In any case of the fourth class mentioned in section two (2) of
 611 this Act, the defendant, at the time of entering his appearance, shall pay to
 612 the clerk in full for services to be rendered by said clerk, if the suit be other
 613 than an action of forcible detainer, the sum of two dollars (\$2.00), when the
 614 amount claimed by the plaintiff in money or property exceeds two hundred
 615 dollars (\$200.00); and in actions of forcible detainer in which the plaintiff
 616 unites with his claim for possession of the property a claim for rent or dam-
 617 ages, the sum of two dollars (\$2.00), when the amount claimed for rent or
 618 damages exceeds two hundred dollars (\$200.00); and in every case of the
 619 fourth class, if the defendant, at the time he enters his appearance, files with
 620 the clerk a demand in writing for a trial by jury, he shall pay to the clerk
 621 the further sum of six dollars (\$6.00).

622 *Sixth*—In any case of the first class and in any case of the second class
 623 mentioned in section two (2) of this Act, the party delivering to the bailiff.

624 or to any sheriff, or to any coroner, any summons, writ of attachment, writ
 625 of replevin, subpoena, writ of execution or other process, shall, at the time of
 626 making such delivery, pay to the bailiff, or sheriff, or coroner, as the case
 627 may be, the sum of one dollar and seventy-five cents (\$1.75) for each defend-
 628 ant or other person named in such process upon whom service thereof is to
 629 to be made, and in cases of writs of attachment, replevin or execution, he
 630 shall pay to the bailiff, or to the sheriff, or to the coroner, as the case may
 631 be, the further sum of one dollar and seventy-five cents (\$1.75), when any
 632 levy upon or seizure of property is to be made thereunder, and shall also
 633 pay to the bailiff, or sheriff, or coroner, as the case may be, the actual ex-
 634 pense of seizing and caring for any property levied upon or seized thereun-
 635 der, and the costs for other services of the bailiff, or of the sheriff, or of the
 636 coroner, as the case may be, in cases of the first class and cases of the second
 637 class, shall be the same as those required by law, from time to time, to be
 638 paid for similar services in cases in the circuit court of Cook county, except-
 639 ing that no charge shall be made for mileage in the serving of any writ, and
 640 that no charge shall be allowed for the service of any alias writ, when the
 641 costs above provided for the original writ have been paid.

642 *Seventh*—In any case of the fourth class mentioned in section two (2) of
 643 this Act, the party delivering to the bailiff any summons, writ of attachment,
 644 writ of replevin, subpoena, writ of execution, or other process, shall, at the
 645 time of making such delivery, pay to the bailiff the sum of one dollar (\$1.00)
 646 for each defendant or other person named in such process upon whom service
 647 thereof is to be made; and in cases of writs of attachment, replevin or ex-
 648 ecution, he shall pay to the bailiff the further sum of one dollar (\$1.00), when
 649 any levy upon or seizure of property is to be made thereunder, and shall also
 650 pay to the bailiff the actual expense of seizing and caring for any property
 651 levied upon or seized thereunder; but no costs for the service of any alias

652 writ shall be chargeable when the costs above provided for the original writ
653 have been paid.

654 *Eighth*—In any case the party procuring any certified copy of the record,
655 or of any portion thereof, in any case shall pay to the clerk the same fees
656 required by law from time to time to be paid to the clerk of the circuit court
657 of Cook county for similar services. :

658 *Ninth*—In any case of the fourth class mentioned in section two (2) of
659 this Act, the bailiff, as commissions on moneys realized by execution, shall
660 collect from the defendant in the execution five (5) per cent upon the amount
661 realized, if it do not exceed one hundred dollars (\$100.00), but if the amount
662 realized exceeds one hundred dollars (\$100.00) the bailiff shall collect five (5)
663 per cent on the first one hundred dollars (\$100.00) and three (3) per cent upon
664 the excess over one hundred dollars (\$100.00).

665 *Tenth*—All other costs not herein expressly provided for shall be the
666 same as the costs provided by law in cases in the circuit court of Cook county,
667 and all costs shall be taxed in favor of the successful party against the un-
668 successful party in the same way and to the same extent as costs in similar
669 cases are taxed in the circuit court of Cook county, unless the court shall
670 otherwise direct.

671 In any case included within the terms of this section the court may, in
672 its discretion, order that an advance payment of costs may be waived in
673 favor of any poor person whose financial circumstances, as made to appear
674 to the court, are such that such advance payment would be unduly burden-
675 some or oppressive, and no advance payment of costs shall in any case be re-
676 quired to be made either by the State of Illinois, the county of Cook, or any
677 municipal corporation or any board of public park commissioners whose ter-
678 ritory is situated in whole or in part within the limits of the city of Chicago.
679 Any expense incurred on an order of court for keeping jurors together shall

680 be paid out of the treasury of the city of Chicago, upon the certificate of the
681 clerk of the municipal court.

682 Sec. 56a. In any case pending in the appellate division of the municipal
683 court the plaintiff in error shall pay to the clerk in full for all services to
684 be rendered to said plaintiff in error by the clerk in said appellate division,
685 the sum of ten dollars (\$10.00), and the defendant in error shall pay to the
686 clerk for all services to be rendered said defendant in error in said appellate
687 division, the sum of five dollars (\$5.00). In any case where two or more
688 defendants in error enter a joint appearance, but one appearance fee shall
689 be charged. Such fees, together with fifteen cents for each one hundred
690 words contained in any statement of facts procured by the successful party,
691 shall be taxed as costs against the losing party in the cause, unless otherwise
692 ordered by the court.

693 Sec. 57. The costs in criminal cases and in quasi-criminal cases and pro-
694 ceedings in the municipal court instituted in the name or by the authority of
695 the people or in the name of any State or county officer in his official capacity,
696 and the costs in cases of the sixth class, to-wit: Proceedings for the pre-
697 vention of the commission of crimes, proceedings for the arrest, examination,
698 commitment and bail of persons charged with criminal offenses, proceedings
699 pertaining to searches and seizures of personal property by means of search
700 warrants, and in bastardy cases, shall be as follows:

701 *First*—The clerk's fees in full for all services rendered by him, other than
702 the making or furnishing of transcripts of the record, shall be the sum of
703 four dollars (\$4.00) in all cases other than proceedings for the arrest, ex-
704 amination, commitment and bail of persons charged with criminal offenses,
705 in which last mentioned proceedings the clerk's fees shall be the sum of eight
706 dollars (\$8.00).

707 *Second*— The bailiff's fees shall be the same as those which may now or
708 hereafter be fixed by law for the sheriff in counties of the third class for simi-
709 lar services, excepting that no charge shall be made for mileage in the ser-
710 vice of any writ.

711 *Third*—The clerk's fees for the making and certifying of the transcript
712 of a record, or of any part thereof, shall be the same as those required by
713 law, from time to time, to be paid to the clerk of the criminal court of Cook
714 county for similar services.

715 *Fourth*—The fees and mileage of witnesses shall be the same as those
716 allowed by law, from time to time, to witnesses in cases in the criminal court
717 of Cook county.

718 No advance costs of any kind or character shall be required to be paid
719 in any such criminal or quasi criminal cases, but in case of final judgment be-
720 ing entered against the defendant all the costs of the suit may, in the dis-
721 cretion of the court, be awarded against him and collected by execution or
722 otherwise as the court may direct. In cases of the sixth class no costs shall be
723 required to be paid in advance. In proceedings for the prevention of the
724 commission of crimes, when the complaint is not sustained and the court is
725 of the opinion that the prosecution was commenced maliciously without prob-
726 able cause, judgment may be given against the complainant for the costs of
727 prosecution, but when the person complained of is required to give security
728 to keep the peace or for his good behavior, the court may order that the costs
729 of the prosecution, or any part thereof, shall be paid by such person, who
730 shall stand committed until the costs are paid or he is otherwise legally dis-
731 charged. In proceedings for the arrest, examination, commitment and bail
732 of persons charged with criminal offenses, where the court finds that an of-
733 fense has been committed and that there is probable ground to believe the de-
734 fendant guilty, the clerk shall certify the amount of the costs to the criminal
735 court of Cook county, where, in case of the defendant's indictment and con-

736 viction, the same shall be taxed against him as a part of the costs in the
 737 cause in which he is so convicted. In proceedings pertaining to searches and
 738 seizures of personal property by means of search warrants, the court may,
 739 if it appears that there was no probable cause for suing out the warrant, tax
 740 the costs against the complainant and award execution against him therefor.
 741 In bastardy cases, in case judgment is rendered against the defendant, the
 742 costs shall be taxed against him as a part of the costs in such cause, but in
 743 case he is acquitted of the charge, the costs may be taxed against the com-
 744 plaining witness: *Provided*, that in taxing costs in any criminal or quasi-
 745 criminal case no fee for the issuance of a warrant shall be included.

746 All moneys collected upon judgments of the municipal court in the crimi-
 747 nal and quasi-criminal cases provided for in this section shall be paid to the
 748 clerk, who shall, at the end of every three months apply the same, or so much
 749 thereof as may be necessary, to the payment of the uncollected costs, witness
 750 fees and mileage excepted, in criminal cases, quasi-criminal cases instituted
 751 in the municipal court in the name of the people or in the name of any State or
 752 county officer in his official capacity, and also the uncollected costs, witness
 753 fees and mileage excepted, in cases of the sixth class, and pay over the bal-
 754 ance, if any, to the officer entitled by law to receive the same.

755 Sec. 58. The costs in quasi-criminal cases in the municipal court insti-
 756 tuted in the name of the city of Chicago or in the name of any officer thereof
 757 in his official capacity, or in the name of any municipal corporation or any
 758 board of public park commissioners whose territory is situated in whole or
 759 in part within the city of Chicago, shall be as follows:

760 *First*—The clerk's fees in full for all services rendered by him shall be
 761 the sum of four dollars (\$4.00): *Provided, however*, that the court may, in
 762 its discretion, order that any part or the whole of the costs in any criminal

763 or quasi-criminal case be remitted, in which case the costs so ordered to be
764 remitted shall not be taxed against the defendant.

765 *Second*—The bailiff's fees shall be the same as those which may now or
766 hereafter be fixed by law for the sheriff in counties of the third class for simi-
767 lar services, excepting that no charge shall be made for mileage in the service
768 of any writ.

769 *Third*—The clerk's fees for the making and certifying of the transcript
770 of a record, or any part thereof, shall be the same as those required by law,
771 from time to time, to be paid to the clerk of the criminal court of Cook county
772 for similar services.

773 *Fourth*—The fees and mileage of witnesses shall be the same as those
774 allowed by law, from time to time, to witnesses in cases in the criminal court
775 of Cook county.

776 No advance costs of any kind or character shall be required to be paid
777 in any such case, but in case of final judgment being entered against the de-
778 fendant, all the costs of the suit may, in the discretion of the court, be
779 awarded against him and collected by execution or otherwise, as the court may
780 direct.

781 All moneys collected upon judgments of the municipal court in cases in-
782 cluded within this section shall be paid to the clerk, who shall, on or before
783 the tenth day of the following month, pay over to the city of Chicago all
784 moneys so collected upon judgments in its favor. All moneys collected upon
785 judgments of the municipal court in cases for the violation of any ordinance,
786 other than an ordinance of the city of Chicago, shall be paid to the clerk, who
787 shall, on or before the tenth day of the following month, pay over the same
788 as follows: All the costs and one-half of all fines and penalties to the city of
789 Chicago and one-half of the fines and penalties to the other municipal cor-
790 poration or board of public park commissioners, whose territory is situated

791 in whole or in part within the limits of the city of Chicago,, in whose favor
792 such judgment shall have been entered.

793 Sec. 59a. Whenever any law provides that any document or instrument
794 shall be acknowledged, filed or entered before a justice of the peace, in such
795 case the clerk of the municipal court shall have the powers of a justice of the
796 peace in respect thereto.

797 Sec. 62. It shall be the duty of the chief justice of the municipal court
798 to superintend the keeping of the records of said court. He shall have power
799 and authority to prescribe abbreviated and amplified forms of entries of or-
800 ders, judgments and decrees in the municipal court and in the appellate divi-
801 sion thereof, which abbreviated forms shall stand for and represent the re-
802 spective amplified forms thereof. The entry by any branch court, or by the ap-
803 pellate division, of any such order, judgment or decree in such abbreviated
804 form shall in legal effect be the adoption by the court of the prescribed ampli-
805 fied form corresponding to such abbreviated form , and shall have the same
806 force and effect as if such judgment, order or decree were written out in full
807 in the records of said court. Said chief justice shall have power and author-
808 ity to prescribe any rules and regulations concerning the adoption and use of
809 any abbreviated and amplified forms of orders, judgments and decrees that
810 are not inconsistent with this Act.

811 Sec. 63. The judgments, orders and decrees of the municipal court and
812 of the appellate division thereof shall have the same force, be of the same
813 effect, be liens upon real estate of any interest therein in the city of Chicago,
814 to the same extent and under the same circumstances, and be executed and
815 enforced in the same manner as the judgments, orders and decrees of the cir-
816 cuit court of Cook county, except as is otherwise in this Act provided.
817 No judgment, order or decree of the municipal court or of the appellate divi-

818 sion thereof, the amount of which, exclusive of costs is, at the date of ren-
819 dition thereof, less than two hundred dollars, shall be a lien upon real estate
820 or any interest therein excepting from the time of the filing in the office of
821 the recorder of deeds or registrar of titles of Cook county, or registrar of
822 titles or clerk of a court of record in any other county in this State of a certi-
823 fied transcript or certificate as provided for in this Act. Upon the filing in
824 the office of the recorder of deeds of Cook county, or in the office of the clerk
825 of any court of record in any other county in this State of a transcript, cer-
826 tified under the hand and official seal of the clerk of the municipal court, of
827 any judgment, order or decree of the municipal court or of the appellate divi-
828 sion thereof, said judgment, order or decree shall thenceforth have the same
829 force, be of the same effect, be a lien upon unregistered real estate or any
830 interest therein throughout such county to the same extent and under the
831 same circumstances as a judgment, order or decree of the circuit court of such
832 county. No judgment, order or decree of the municipal court or of the appel-
833 late division thereof shall be a lien upon or affect registered land or any
834 estate or interest therein until a certificate, under the hand and official seal
835 of the clerk of the municipal court, stating the date and purport of the judg-
836 ment, order or decree, or a certified copy of such judgment, order or
837 decree is filed in the office of the registrar of titles of the county in which
838 the land is situated, and a memorial of the same is entered upon the regis-
839 trar of the last certificate of the title to be affected. The recorder of deeds
840 of Cook county shall provide and keep in his office for said municipal court
841 well bound books for entering therein an alphabetical docket of all judgments,
842 orders and decrees rendered in said municipal court, as is now required by
843 law for docketing judgments, orders and decrees rendered in circuit courts,
844 and shall forthwith, after the filing of any transcript herein provided for,
845 enter the same, together with the hour, day, month and year of the filing of

846 such certified transcript, and the municipal court's general number of the case
847 in which rendered.

848 Sec. 63a. In any case an execution issued on any judgment, order or de-
849 cree of the municipal court, or of the appellate division thereof, when against
850 lands and tenements, goods and chattels within the city of Chicago, shall be
851 directed to the bailiff; or, in case he is disqualified from acting, then
852 to the sheriff of Cook county, and shall be a lien upon all the personal prop-
853 erty of the person against whom the judgment is obtained, situated within
854 the city of Chicago, from the time it is delivered to the bailiff or to the
855 sheriff, to the same extent as an execution issued out of the circuit court of
856 Cook county, when delivered to the sheriff, and may be levied upon the prop-
857 erty, real or personal, of said person situated at any place within the city of
858 Chicago, to the same extent as an execution issued out of the circuit court
859 of Cook county. But no execution upon a judgment, order or decree shall
860 become a lien upon registered land, or any estate or interest therein, until
861 said execution shall be levied on said real estate and a certificate of the fact
862 of such levy shall be filed with the registrar of titles of the county in which
863 such real estate is situated, and a memorial thereof shall be entered upon the
864 register of the last certificate of the title to be affected. Executions against
865 lands, tenements, goods and chattels outside of the city of Chicago shall be
866 directed to the sheriff; or, in case he is disqualified from acting, to the cor-
867 ner of the county in which such lands, tenements, goods and chattels are sit-
868 uated. Any execution issued on any judgment of which a transcript has been
869 filed in the office of the recorder of deeds of Cook county, or in the office of
870 the clerk of any court of record of any other county in this State, shall,
871 throughout the county in which said transcript is filed as aforesaid, be of the
872 same force, have the same effect and be executed in the same manner as if

873 said execution had issued on a judgment of the circuit court of Cook
874 county.

875 Sec. 68. The Supreme Court of this State shall assign three judges of
876 the municipal court to duty in the appellate division of said municipal court,
877 which said assignment shall be for a term of three years, and upon the expir-
878 ation of said term the Supreme Court shall assign their successors for the
879 term aforesaid. The Supreme Court may, if it shall deem it necessary at
880 any time, for the prompt disposition of the work of said appellate division,
881 assign two additional judges to duty therein for a term of three years from
882 the date of such assignment. Any judge, the unexpired portion of whose
883 term of office as judge of the municipal court shall be shorter than three years,
884 may nevertheless be assigned to duty in said appellate division: *Provided*,
885 the Supreme Court may, in its discretion, terminate the assignment of any
886 judge to duty in said appellate division, and in case of any vacancy therein
887 the Supreme Court may, if the work of the appellate division thereof shall
888 require, fill such vacancy by assigning another judge to such appellate divi-
889 sion, which shall at all times consist of at least three judges. Said appellate
890 division shall choose one of their number presiding justice of the appellate
891 division for such time as the judges of the appellate division may determine,
892 and at the expiration of such time his successor shall be chosen in
893 like manner.

894 Sec. 69. A majority of the judges so assigned to duty in said appellate
895 division shall constitute a quorum, and the concurrence of the majority shall
896 be necessary to every decision: *Provided*, any one of said judges may make any
897 order in chambers that does not affect the merits or the final disposition of
898 any cause before said appellate division.

899 Sec. 70. Said appellate division shall be vested with all power and
900 authority necessary to carry into complete execution all its judgments, de-
901 crees and determinations in all matters within its jurisdiction, according to
902 the rules and principles of the common law and of the law of this State, and
903 any judgment, order or decree rendered in said appellate division shall have
904 the same force and effect and be executed in the same manner as a judgment,
905 order or decree of a branch court.

906 Sec. 71. Said appellate division shall exercise appellate jurisdiction only
907 and have jurisdiction to review all final orders, judgments and decrees of the
908 branch municipal courts, except such cases as are removable from the branch
909 courts directly to the Supreme Court, as hereinafter provided, on petition
910 filed in said municipal court within thirty days after the entry of such final
911 order, judgment or decree, or within such further time as may, upon applica-
912 tion therefor within said thirty days, be allowed by the appellate division in
913 accordance with the rules of the appellate division.

914 Sec. 72. Said appellate division may issue the writ of mandamus, to
915 cause a proper statement of facts to be duly certified, or made and certified,
916 or to cause any other Act to be done which may be necessary to enforce the
917 due administration of justice in all matters, suits or proceedings which could
918 in any lawful manner be brought within the jurisdiction of said appellate
919 division.

920 Sec. 73. The appellate division may amend any portion of the record
921 of any cause pending before it and may give final judgment or may order a
922 new trial: *Provided, however,* that no verdict of a jury or finding of a
923 court, when the trial was before a court without a jury, shall be set aside by
924 said appellate division, unless said verdict or finding of the court is against
925 the preponderance of the evidence: *And, provided,* the appellate division

926 shall not reverse any judgment, order or decree unless said appellate division
 927 is satisfied, upon an examination of the whole record, that such reversal is
 928 required in the interests of justice; and the appellate division, in case of a
 929 partial reversal, may allow the entry of a remittitur.

930 Sec. 74. If any final determination of any cause or proceeding whatever
 931 shall be made by the appellate division, the result, wholly or in part, of the
 932 finding of the facts concerning the matter in controversy different from
 933 the finding of a branch court, it shall be the duty of said appellate division
 934 to recite in its final order, judgment or decree the facts as found; and the
 935 judgment of the appellate division shall be final and conclusive as to all mat-
 936 ters of fact in controversy in such cause or proceeding.

937 Sec. 75. All opinions or decisions of said appellate division, upon a final
 938 hearing of any cause, shall be reduced to writing, briefly giving therein the rea-
 939 sons for such opinions or decisions, and be filed in the cause in which ren-
 940 dered: *Provided*, that such opinions or decisions shall not be of bind-
 941 ing authority in any cause or proceeding, other than in that in which they
 942 may be filed.

943 Sec. 76. The final judgments, orders and decrees of the appellate division
 944 of the municipal court may be reviewed by the Supreme Court of this State
 945 in such cases, to the same extent and in the same manner as the final judg-
 946 ments, orders and decrees of the appellate courts of this State may, under
 947 the laws now in force, or hereafter to be enacted, be reviewed by said
 948 Supreme Court. All final judgments, orders and decrees of a branch of the
 949 municipal court in all criminal cases above the grade of misdemeanors, cases
 950 in which a franchise or freehold or the validity of a statute or a construc-
 951 tion of the constitution is involved, and in cases in which the validity of a
 952 municipal ordinance is involved, and in which the trial judge shall certify

953 that in his opinion the public interest so requires, and in all cases relating
954 to revenue, or in which the State is interested as a party or otherwise, shall
955 be taken directly to the Supreme Court and reviewed to the same extent and
956 in the same manner as such judgments, orders and decrees of the circuit
957 courts may be so taken and reviewed by the Supreme Court, under the laws now
958 in force or hereafter to be enacted. No judgment, order or decree of the
959 municipal court or of the appellate division thereof shall be reviewed in any
960 court or in any manner other than is in this Act provided. No cause shall
961 be removed to the Supreme Court from the municipal court or the appellate
962 division thereof by appeal, writ of error or in any other manner provided
963 by law, unless a motion or petition therefor be filed, or proceedings to that
964 end be instituted, within thirty days after the entry of the final judgment,
965 order or decree in such cause.

966 Sec. 77. The judges of the appellate division shall have power to adopt
967 such rules, to be designated rules of the appellate division, regulating the
968 practice and procedure in said appellate division as they may deem neces-
969 sary or expedient for the proper administration of justice therein: *Pro-*
970 *vided*, that the Supreme Court shall have the power, in its discretion, to sub-
971 stitute for the rule or rules so adopted by the judges of said appellate divi-
972 sion, or for any portion thereof, such rules as the Supreme Court may deem
973 necessary, and may, in its discretion, of its own motion or otherwise, make
974 any order respecting the rules of said appellate division which said Supreme
975 Court may deem proper.

976 Sec. 78. WHEREAS, Uncertainty exists in some of the provisions of the
977 Act of which this Act is amendatory, therefore, an emergency exists, and this
978 Act shall be in force from and after its passage.

979 Sec. 79. This Act shall be submitted to a vote of the legal voters of the
 980 city of Chicago at the first regular municipal, judicial, general or special
 981 election which shall occur in said city of Chicago, after the date of the pass-
 982 age of this Act. The ballots to be used at said election in voting upon this
 983 Act shall be in substantially the following form:

For consenting to the Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, 'An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905.'"	
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Against consenting to the Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, 'An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905.'"	
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984 If a majority of the legal voters of said city, voting on the question at
 985 such election, shall vote in favor of consenting to this Act, the same shall
 986 immediately thereupon take effect and become operative.

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- 1 Introduced by Committee on Elections, April 15, 1909.
 - 2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act to amend section 1 of article VII of an Act entitled “An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act approved May 11, 1901, in force July 1, 1901; as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 1 of article VII of an Act entitled “An
3 Act regulating the holding of elections and declaring the result thereof in
4 cities, villages, and incorporated towns in this State,” approved June 19, 1885,

5 in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July
6 1, 1891; as amended by an Act approved April 24, 1899, in force July 1, 1899;
7 as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended
8 by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act
9 approved May 11, 1901, in force July 1, 1901; as amended by an Act approved
10 May 25, 1907, in force July 1, 1907, be and the same is hereby amended so as to
11 read as follows:

12 Sec. 1. Such election commissioners and the chief clerk of the board of elec-
13 tion commissioners shall be paid by the county, and for the purpose of fixing
14 their fees and compensation, the several counties of this State are divided into
15 three (3) classes, as they are now classified by law as to fees and salaries. In
16 counties of the first class said election commissioners shall receive a salary of
17 five hundred (500) dollars, and said chief clerk a salary of four hundred (400)
18 dollars per annum. In counties of the second class said election commissioners
19 shall receive a salary of one thousand five hundred (1,500) dollars per annum,
20 and such chief clerk shall receive a salary of two thousand five hundred (2,500)
21 dollars per annum. In counties of the third class, to-wit: In Cook county, such
22 election commissioners shall receive a salary of four thousand (4,000)
23 dollars, and such chief clerk a salary of four thousand (4,000) dollars
24 per annum, and also in counties of the third class, to-wit: Cook county, there
25 may be employed one assistant chief clerk, who shall receive a salary of two thou-
26 sand five hundred (2,500) dollars per annum, and also in counties of the second
27 class, there may be employed one chief assistant clerk, who shall receive a sal-
28 ary of one thousand five hundred (1,500) dollars per annum. All expenses in-
29 curred by such board of election commissioners shall be paid by such city. Such
30 salaries and expenditures are to be audited by the county judges, and such sal-
31 aries shall be paid by the county treasurer, upon the warrant of such county judge,
32 of any money in the county treasury not otherwise appropriated, and such ex-

33 penditures shall be paid by the city treasurer, upon the warrant of such county
34 judge, out of any money in the city treasury not otherwise appropriated. It
35 shall also be the duty of the governing authority of such counties and cities
36 respectively to make provision for the prompt payment of such salaries and
37 expenditures, as the case may be.

WHEREAS, an emergency exists, this Act shall be in force and take effect from
and after its passage.

- 1 Introduced by Committee on Elections, April 15, 1909.
- 2 Read by title, ordered printed and to a first reading without reference.

A BILL

For an Act to amend article III of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 17, 1887, in force July 1, 1887; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended by an Act approved June 7, 1897, in force July 1, 1897; as amended by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by Acts approved May 11, 1901, in force July 1, 1901; as amended by emergency Acts approved May 15, 1903; as amended by an Act approved May 16, 1903, in force July 1, 1903; as amended by an Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That articles III of an Act entitled, "An Act regu-

lating the holding of elections and declaring the results thereof, in cities, vil-
 lages and incorporated towns in this State," approved June 19, 1885, in force
 July 1, 1885; as amended by an Act approved June 17, 1887, in force July 1,
 1887; as amended by an Act approved June 18, 1891, in force July 1, 1891; as
 amended by an Act approved June 17, 1895, in force July 1, 1895; as amended
 by an Act approved June 7, 1897, in force July 1, 1897; as amended by an Act
 approved June 9, 1897, in force July 1, 1897; as amended by an Act approved
 April 24, 1899, in force July 1, 1899; as amended by an Act approved May 10,
 1901, in force July 1, 1901; as amended by Acts approved May 11, 1901, in force
 July 1, 1901; as amended by emergency Acts approved May 15, 1903; as
 amended by an Act approved May 16, 1903, in force July 1, 1903; as amended
 by an Act approved May 25, 1907, in force July 1, 1907, be and the same is hereby
 amended by the addition of another section to said article III, to be known as
 section 33½, as follows:

Sec. 33½. That in all cities, villages and incorporated towns in counties
 of the first and second classes in this State, which have adopted or may here-
 after adopt the provisions of this Act, the board of election commissioners
 shall be in session on Monday, Tuesday, Wednesday, Thursday, Friday and
 Saturday of the week preceding the Tuesday three weeks before a congres-
 sional election occurs in any year, and on the same days of the week preceding
 the Tuesday on which there shall be a revision of the registry as provided in
 section 17 of this article of this Act, between the hours of eight o'clock a. m.
 and nine o'clock p. m. of each of said days, for the purpose of registering the
 names of persons who may apply to said board of such registration, and who
 may have the qualifications required by this article to entitle such persons to
 be registered; and it shall be the duty of said board of election commissioners
 to register the names of all persons who shall apply in person to such board
 for registration on any of the days above mentioned, in the registry books pro-

31 vided by the board for that purpose. Before the name of any person shall be
32 registered by said board such person shall comply with all of the forms and
33 requirements of this article of this Act. And the said board of election com-
34 missioners shall indicate on said register that such applicant has been registered
35 by said board and the date of such registration. The names of all persons so
36 registered shall be transferred by the clerks of election to the "verification
37 lists" and shall be canvassed at the same time and in the same manner as such
38 clerks are required to canvass the names entered upon such registry books by
39 the judges of election. The provisions of this section shall not be construed to
40 interfere with or supercede the other requirements of this article with regard
41 to the registration of voters by the judges of election: *Provided*, that no per-
42 son shall be so registered by said board of election commissioners by virtue
43 of this section unless such person shall personally appear before said board on
44 any of said last mentioned days, and make and file with said board an affidavit
45 that it will be impossible for such person to be present for registration on any
46 regular registration day as fixed by this Act on account of the compulsory ab-
46 sence of such person from the city, village or town in which such registration is
47 required by law to be had on any such regular registration days.

- 1 Introduced by Mr. Morris, April 16, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to authorize the erection of a soldiers' monument on the capitol grounds, and making appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the Governor be and he is hereby authorized
3 to appoint three commissioners, who shall have been soldiers from this State
4 in the War of the Rebellion, to select a design and material for a heroic mon-
5 ument to the Illinois soldiers in the War of the Rebellion, to be erected on the
6 State capitol grounds at the east front of the capitol, which design and mate-
7 rial shall be approved by the Governor, Secretary of State and Auditor of
8 Public Accounts.

Sec. 2. When said design and materials shall have been so approved by
2 said State officers, said commissioners shall advertise in Chicago and Spring-
3 field newspapers for bids for the construction of said monument, giving sixty

4 days' notice of the time and place when and where said bids shall be received
5 and opened, and the contract shall be let to the lowest and best bidder, but
6 said commissioners may reject any or all bids, and again advertise for new bids
7 as often as they may deem necessary.

Sec. 3. Such bids shall be opened in the presence of the Governor, Secre-
2 tary of State and Auditor of Public Accounts, and no bid shall be accepted
3 except with the concurrence of at least two of said State officers.

Sec. 4. The sum of five hundred thousand dollars, or so much thereof as
2 may be necessary, is hereby appropriated for the material and construction of
3 said monument, the procurement of designs, and the necessary expenses of
4 said commissioners, out of any money in the treasury not otherwise appropri-
5 ated, to be drawn on the order of the chairman of said commissioners, approved
6 by the Governor.

Sec. 5. Said commissioners shall be entitled to no salary, but shall re-
2 ceive their actual expenses necessarily incurred in the discharge of their duties
3 as such commissioners.

-
- 1 Introduced by Mr. Holaday, by request, April 21, 1909.
 - 2 Read by title, ordered printed and to Speaker's table.

A BILL

For an Act to amend an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by Act approved April 8, 1875, in force July 1, 1875, title as amended by Act approved March 28, 1874, in force July 1, 1874, by adding thereto two new sections to be known as sections 12a and 12b, respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That an Act entitled, "An Act concerning fees and
3 salaries, and to classify the several counties of this State with reference there-
4 to," approved March 29, 1872, in force July 1, 1872, as amended by Act ap-
5 proved April 8, 1875, in force July 1, 1875, title as amended by Act approved
6 March 28, 1874, in force July 1, 1874, be and the same is hereby amended by
7 adding thereto two new sections to be known as sections 12a and 12b, respec-
8 tively, and to read as follows:

9 Sec. 12a. All fees, perquisites and emoluments collected or received by the
10 clerk of the Supreme Court and by each of the clerks of the appellate court
11 shall be paid into the State treasury; and said clerks shall semi-annually, on or
12 before the first days of April and October of each year file a statement, under
13 oath, with the Governor, showing by items the amount of such fees, perquisites
14 and emoluments collected or received by them, together with the receipt of the
15 State Treasurer for the same. And upon failure to file such statement, or failure
16 to pay to the treasurer the fees, perquisites and emoluments so collected or re-
17 ceived by them, they shall forfeit the sum of fifty dollars, and be liable for
18 double the amount of fees, perquisites and emoluments collected and received
19 and not paid to the Treasurer: *Provided*, that the necessary expense incurred
20 by said clerks in and about the conduct of the business and management of
21 the offices of said clerks of the Supreme Court shall be fixed and allowed by the
22 judges of the Supreme Court, and paid out of the receipts of said office.

23 Sec. 12b. The clerk of the Supreme Court shall be allowed and paid an
24 annual salary, in lieu of all other salaries, fees, perquisites, emoluments, bene-
25 fits or compensation in any form whatever, of six thousand dollars, and the
26 clerks of each of the appellate courts shall be allowed and paid an annual sal-
27 ary, in lieu of all other salaries, fees, perquisites, emoluments, benefits or com-
28 pensation in any form whatever, of five thousand dollars, all of which said sal-
29 aries shall be payable in quarter-yearly installments out of the State treasury,
30 on the warrant of the Auditor of Public Accounts out of any moneys not other-
31 wise appropriated.

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- 1 Introduced by Mr. Holaday, April 21, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to create county text book commissions in all counties having a population of less than 200,000, with power to provide for uniform text books in the public schools of such counties and to regulate the price of such text books.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That a county school text book commission is here-
3 by created which shall consist of the county superintendent of schools and
4 four other persons to be appointed by the judge of the county court of each
5 county, the appointments to be made within thirty days of the taking effect
6 of this Act, their successors to be appointed in April, 1913, and every
7 four years thereafter: *Provided*, that no person shall be appointed to serve on
8 the said commission who has been in the employ, as a traveling salesman, or
9 otherwise, of any publisher of school text books within the period of five years
10 immediately prior to the taking effect of this Act. Vacancies on said commis-

11 sion resulting from death, resignation, removal from the county, disqualifica-
12 tion or otherwise, shall be filled by appointment by the county judge. A ma-
13 jority of the commission shall constitute a quorum for the transaction of all
14 business of the commission.

Sec. 2. The county text book commission shall meet at the county seat to
2 organize within sixty days from the date of the taking effect of this Act. The
3 county superintendent shall be *ex officio* president of the commission and a
4 secretary shall be elected from its own membership. Said commission shall
5 meet annually thereafter and special meetings may be called by the president
6 or on the written request of two other members. The president shall preside
7 at all meetings of the commission and the secretary shall keep the records of
8 the meetings and all contracts shall be signed by both the president and the
9 secretary. Members of said commission that do not receive an annual salary
10 from the county shall receive five dollars per day for their services: *Provided*,
11 that they shall not receive pay for more than six days in any one year, the
12 same to be paid out of the county funds when approved by the county sup-
13 erintendent of schools.

Sec. 3. The said commission shall make such inquiry and examination of
2 books then in use in the public schools of the county as shall enable them to
3 determine upon the propriety of ordering a change in any of the text books
4 then in use in the public schools. If upon such inquiry and examination the
5 said commission shall determine that it is advisable to change any or all of
6 the text books then in use in the public schools of said county, said com-
7 mission may provide for a uniform series of text books in any or all of the
8 following branches of study, viz.: Spelling, reading, arithmetic, geography,
9 English grammar, physiology, history of the United States, history of Illinois
10 and civics: *Provided*, that when said commission has adopted a text book for

11 use in any particular branch heretofore named, it shall be the duty of the
12 boards of education and boards of directors, in their respective school districts,
13 to require that said text book so adopted be used in their respective school
14 districts.

Sec. 4. Whenever a school district shall include territory in two or more
2 counties, such district shall, for the purpose of this Act, be considered a part
3 of the county wherein its school building is located.

Sec. 5. Whenever the commission shall deem it advisable to adopt a uni-
2 form text book in any or all of the subjects named in section 3 of this Act,
3 they shall notify the secretary of the several boards of education and boards
4 of directors throughout the county, and thereupon it shall be the duty of the
5 secretaries of said boards of education and boards of directors to notify the
6 said commission, in writing, on or before the 1st day of May of each year, as
7 to the probable number of text books in the several branches and grades there-
8 of that will be needed for the next succeeding school year in their respective
9 school districts.

Sec. 6. Immediately after the commission has been notified as to the
2 probable number of books needed in the several branches and grades thereof
3 for use in the schools of the county, the said commission shall fix on some
4 day between the 1st and 15th day of July, when they will receive sealed pro-
5 posals from publishers of school books for furnishing books to the said com-
6 mission, for use in the common schools of the county, as provided for in this
7 Act, for a term of four years, stating specifically in such bids the price at
8 which each book will be furnished and accompanying such bid shall be speci-
9 men copies of each and all books proposed to be furnished in such bid. Such
10 notice for bids shall be given by inserting such notice in some newspaper of

11 general circulation in the county once each week for a term of three weeks,
 12 and in one newspaper of general circulation in the city of Chicago, once each
 13 week for a term of three weeks: *Provided*, that the first insertion of said no-
 14 tice shall be at least sixty days previous to the day fixed for the opening of
 15 such bids.

Sec. 7.. It shall be the duty of said commission to meet at the time and
 2 place mentioned in such notice, and on such succeeding day or days thereafter
 3 as may be necessary, and to open and examine all sealed proposals received,
 4 pursuant to the notice provided for in section 6 of this Act; and it shall fur-
 5 ther be the duty of said commission to make a full, complete and thorough
 6 investigation of all such bids or proposals and to ascertain under which of
 7 said proposals the several books can be furnished at the lowest price to the
 8 people of the county for use in the public schools, taking into consideration
 9 the size and quality as to matter, material, style, binding and mechanical exe-
 10 cution of such books: *Provided, always*, that such commission shall not in any
 11 case contract with any author, publisher or publishers for the pur-
 12 chase of any book or books to be sold to patrons for use in the public schools
 13 of the county at a price above or in excess of the price now or hereafter fixed
 14 by law: *Provided, also*, that the commission shall always have the right to re-
 15 ject any or all bids.

Sec. 8. It shall be a part of the terms and conditions of every contract
 2 made in pursuance of this Act, that the county shall not be liable to any con-
 3 tractor hereunder for any sum whatever, but that all such contractors shall
 4 receive their pay and compensation solely and exclusively from the proceeds
 5 of the sale of the books, as provided for in this Act.

Sec. 9. The commission shall have the power to enter into a contract with
 2 one or more companies for the furnishing of any or all of the books men-

tioned in section 3 of this Act for use in the public schools of the county, and in said contract the said commission may provide as to the probable number and kind of books, their price, quality, time of delivery: *Provided*, that said commission shall have the power to devise means and to make arrangements for the sale, exchange or disposal of such books as may be owned by pupils attending the public schools of the county at the time of the adoption of books under the provisions of this Act, and to require a suitable bond to be given and conditioned for the faithful performance of any such contract: *Provided*, that if there now is, or hereafter may be, provision made by law for an authorized State list of text books for use in the public schools of this State, the commission shall not have power to contract for any book not in the authorized State list.

Sec. 10. It shall be the duty of any person or persons, firm or corporation, who may hereafter furnish and supply books under the provisions of this Act, to print in large letters upon the outside of the first page of each book so furnished and supplied by him or them, or it, the name of the adopted book and the price at which such book is furnished to the pupils under such contract.

Sec. 11. Any merchant, dealer or other person, who shall knowingly or wilfully charge, receive, collect or demand, or attempt to charge or collect, for any school book or books by him sold to any school patron or pupil, any sum in excess of the price at which such book or books are required to be sold, under any contract entered into by and under the provisions of this Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be imprisoned in the county jail not more than three months or fined in any sum not exceeding five hundred dollars, or both.

Sec. 12. No member of the commission shall be interested in any manner
2 whatsoever in the sale, proceeds or profits of any book sold by or under the
3 provisions of this Act.

Sec. 13. The costs for publication of the notices for bids, necessary under
2 the provisions of this Act, shall be a part of the necessary expenses incurred
3 by the county superintendent of schools and shall be paid in the same manner
4 as the other necessary expenses of his office.

Sec. 14. Whenever the term "commission" shall be used in any section
2 of this Act it shall refer to the county text book commission, provided for in
3 section 1 of this Act.

AMENDMENTS TO

46th Assem.

HOUSE—No. 611

May 1909

AMENDMENT NO. 1.

Amend House Bill No. 611 by inserting after the word "counties," in line 3 of the title of the printed bill, the following: "except in cities of over one thousand population."

AMENDMENT NO. 2.

Amend House Bill No. 611, in section 1, line 10, of the printed bill, by inserting after the word "act" the following: "*And, provided*, that no person who is engaged in the manufacture, sale or distribution of school text books or school supplies of any kind, shall serve on the said commission."

AMENDMENT NO. 3.

Amend House Bill No. 611 by adding to the printed bill another section, which shall be known as section 15, and which shall read as follows:

"Sec. 15. This Act shall not apply to the public schools in cities having a population of over one thousand, as ascertained by the last federal census."

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- 1 Introduced by Mr. Shaw, April 21, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to amend the school laws of Illinois by adding a section thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That before any publisher or publishers shall enter
3 or attempt to enter into any contract for the sale of school text-books, or shall
4 offer the same for contract and sale to any district school board or board
5 of education in the State of Illinois, or their authorized agents, or to any
6 dealer in school text books, said publisher or publishers shall file a copy of
7 such school text books in the office of the State Superintendent of Public In-
8 struction, with a sworn statement of the list price and the lowest net whole-
9 sale price at which said book or books is sold anywhere in the United States,
10 under like conditions of distribution. Said publisher or publishers shall also
11 file with the State Superintendent of Public Instruction a written statement
12 agreeing to furnish said book or books to the district school boards or boards

13 of education in the State of Illinois at the prices so filed. Said publisher or
14 publishers shall further agree to reduce such prices in the State of Illinois, if
15 reductions are made elsewhere in any part of the United States, so that at no
16 time may any book or books be sold in the State of Illinois at a higher price
17 than is received for the same book elsewhere in the United States, where
18 like methods of distribution prevail. Said publisher or publishers shall fur-
19 ther agree that all books offered for sale or for contract in the State of Illi-
20 nois shall be equal to the samples deposited in the office of the State Super-
21 intendent of Public Instruction, as regards paper, binding, print, illustration
22 and all points that may affect the value of said books. Said publisher or pub-
23 lishers shall file with the State Superintendent a bond with the State of Illi-
24 nois of not less than one thousand dollars nor more than five thousand dol-
25 lars, said bond to be approved by the State Superintendent of Public Instruc-
26 tion and the amount to be fixed by him. Upon compliance therewith said
27 publisher or publishers shall thereupon be licensed in writing by the State Sup-
28 erintendent of Public Instruction to contract for and to sell school books to any
29 district school board or board of education in this State: *Provided*, it shall
30 be the duty of the State Superintendent of Public Instruction to furnish a cer-
31 tified copy of the list of books and prices filed, in accordance with the provi-
32 sions of this section, to the school director or secretary of each and every
33 school district in the State of Illinois. And he shall seasonably make and report
34 estimates for the necessary expenses thereof.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby
2 repealed.

- 1 Introduced by Mr. Fieldstack, April 21, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Courts.

A BILL

For an Act to amend an Act entitled "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by Act approved June 3, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections eight (8) and nine (9) of an Act entitled "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by Act approved June 3, 1907, be and the same are hereby amended to read as follows:

6 Sec. 8. That said municipal court shall consist of twenty-eight (28) judges,
7 one of whom shall be chief justice and the remaining twenty-seven (27) of whom
8 shall be associate judges; that on and after the first Monday of December, A.
9 D. 1912, the said municipal court shall consist of twenty-eight (28) or more
10 associate judges who shall select one of their number as chief justice and the
11 chief justice so selected shall exercise all the rights and discharge all the duties

12 of the chief justice heretofore elected by the voters of the city of Chicago.
13 Each branch court shall be presided over by a single judge of the municipal
14 court. The chief justice, in addition to the exercise of all the other powers of a
15 judge of said court, shall have the general superintendence of the business of said
16 court; he shall preside at all meetings of the judges, and he shall assign the asso-
17 ciate judges to duty in the branch courts, from time to time, as he may deem neces-
18 sary for the prompt disposition of the business thereof, and it shall be the duty of
19 each associate judge to attend and serve at any branch court to which he may be
20 so assigned, but the chief justice shall only assign such number of judges to the
21 trial and disposition of cases of the first class and cases of the second class
22 mentioned in section two (2) of this Act, from time to time, as may not be
23 needed for the prompt disposition of the other business of the court. The chief
24 justice shall also superintend the preparation of the calendar of cases for trial
25 in said court and shall make such classification and distribution of the same
26 upon different calendars as he shall deem proper and expedient. Each associate
27 judge shall, at the commencement of each month, make to the chief justice,
28 under his official oath, a report in writing of the duties performed by him dur-
29 ing the preceding month, which report shall specify the number of days' attend-
30 ance in court of such judge during such month, and the branch courts upon
31 which he has attended, and the number of hours per day of such attendance,
32 for which the chief justice shall cause suitable blanks to be prepared and fur-
33 nished to the associate judges. Each judge shall be entitled to vacations, which
34 shall not exceed thirty-six days in all in one year, and which shall be taken at
35 such times as may be determined by the chief justice. The chief justice must
36 give his attention faithfully to the discharge of the duties especially pertaining
37 to his office and to the performance of such additional judicial work as he may
38 be able to perform. Each associate judge must perform his share of the labors
39 and duties appertaining to the office. At least one associate judge must be in

attendance in one branch court in each district three hours of each day, except Sunday, a public holiday, or a day upon which the inhabitants of the city of Chicago generally refrain from business, and each associate judge, while in the court room or in chambers and not actually engaged in the performance of other official duties, must act upon any application for his official action properly made to him. The chief justice may appoint such number of assistants, not exceeding four, as he may deem necessary, whose salaries shall be fixed by the majority of the judges: *Provided*, that the salaries of two of said assistants shall not exceed four thousand dollars (\$4,000) each per annum, and that the salaries of the remaining two of said assistants shall not exceed eighteen hundred dollars (\$1,800) each per annum. Said assistants shall have power to administer oaths and shall perform such duties as may be required of them by the chief justice, but shall not exercise any judicial powers. It shall be the duty of the chief justice and the associate judges to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated by the chief justice, and at such other times as may be required by the chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they may deem necessary or proper with respect thereto, and they shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration of justice in said court as to them may seem expedient. The salaries of the chief justice and associate judges shall be fixed by the city council: *Provided, however*, that the salary of the chief justice and of each associate judge shall not be less than six thousand (\$6,000) dollars per annum and shall not exceed the compensation fixed, from time to time, by law for a

68 judge of the circuit court of Cook county, and that the salary of no judge shall
69 be increased or diminished during the term for which he shall have been elected.
70 Such salaries shall be payable in monthly installments out of the city treasury.

71 Sec. 9. That the chief justice and the associate judges of the municipal
72 court shall be elected on the first Tuesday after the first Monday in November,
73 A. D. 1906; that the chief justice shall hold his office for the term of six years,
74 and after the expiration of said term of six years the chief justice shall be
75 selected by the associate judges theretofore elected, each of whom shall have one
76 vote for chief justice; that the vote for chief justice shall be taken upon roll
77 call of the associate judges and the same shall be spread upon the record of said
78 court, and the associate judge receiving the largest number of votes for chief jus-
79 tice shall be chief justice for the then ensuing year, and a successor as chief
80 justice shall be selected in like manner for each year or in the event of death or
81 resignation of such chief justice; that of the said associate judges so to be
82 elected, nine (9) shall be elected for the term of two (2) years, nine (9) for the
83 term of four (4) years, and nine (9) for the term of six (6) years and until their
84 respective successors shall be elected and qualified, and on the first Tuesday after
85 the first Monday of November, A. D. 1908, and on the first Tuesday after the first
86 Monday of November every sixth year thereafter, and on the first Tuesday
87 after the first Monday of November, A. D. 1910, and on the first Tuesday after
88 the first Monday of November every sixth year thereafter, there shall be elected
89 nine (9) associate judges of said municipal court and on the first Tuesday after
90 the first Monday of November, A. D. 1912, and every sixth year thereafter
91 there shall be elected ten (10) associate judges of said municipal court as suc-
92 cessors in office of the associate judges of the municipal court by this Act re-
93 quired to be elected, each of whom shall hold his office for the term of six (6)
94 years and until his successor shall be elected and qualified. The judges so re-
95 quired to be elected shall enter upon the discharge of their duties on the first

Monday of December following their election. Vacancies in the office of associate judge of the municipal court shall be filled by election at the regular municipal, judicial or other general election which shall occur next after the period of sixty (60) days from the time such vacancies respectively occur, but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment by the Governor.

Sec. 2. That this Act shall be submitted to a vote of the legal voters of the city of Chicago at the first regular municipal, judicial, general or special election which shall occur in said city of Chicago after the first day of July, A. D. 1909. The ballots to be used at said election in voting upon this Act shall be in substantially the following form:

For consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, A. D. 1905, as amended by Act approved June 3, 1907."	
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Against consenting to the Act entitled "An Act to amend an Act entitled 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, A. D. 1905, as amended by Act approved June 3, A, D, 1907."	
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If a majority of the legal voters of said city voting on the question at such election shall vote in favor of consenting to this Act, the same shall thereupon take effect and become operative.

- 1 Introduced by Mr. Grace, April 21, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 1 of "An Act in relation to domestic animals running at large within the State of Illinois," approved June 21, 1895, in force July 1, 1895, as amended by an Act approved May 16, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of "An Act in relation to domestic animals running at large within the State of Illinois," approved June 21, 1895, in force July 1, 1895, as amended by an Act approved May 16, 1905, in force July 1, 1905, be amended to read as follows:

6 Sec. 1. That hereinafter it shall be unlawful for any animal of the species
7 of horse, ass, mule, cattle, sheep, goat, swine, *chicken, duck* or geese, to run at
8 large in the State of Illinois.

- 1 Introduced by Mr. Lantz, April 21, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend an Act entitled, “An Act to provide for the appointment, qualifications and duties of notaries public and certifying their official acts,” approved April 5, 1872, in force July 1, 1872, as amended by an Act approved April 13, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections one (1), four (4) and twelve (12)
3 of an Act entitled, “An Act to provide for the appointment, qualifications and
4 duties of notaries public, and certifying their official acts,” approved April 5,
5 1872, in force July 1, 1872, as amended by an Act approved April 13, 1875, in
6 force July 1, 1875, be and the same are hereby amended to read as follows,
7 and that there be and hereby is added thereto three new sections, to be known
8 as sections 15, 16 and 17, as follows:

9 Sec. 1. That the Governor may appoint, by and with the advice and
10 consent of the Senate, and commission as notaries public as many *male* per-
11 sons, resident in the county in this State for which they are appointed, as he
12 may deem necessary; but no person shall be appointed a notary public who
13 is under twenty-one years of age, is not a citizen of the United States and
14 resided in this State *at least* one year previous to the appointment, *and who*
15 *is not a duly licensed attorney at law of this State.*

16 Sec. 4. Before entering upon the duties of his office he shall give a bond,
17 payable to the State of Illinois, in the sum of one thousand (\$1,000.00) dol-
18 lars, with two sureties to be approved by the Governor, conditioned for the
19 faithful discharge of the duties of his office, *which bond shall be accompanied*
20 *by a schedule showing that such sureties are the owners of real estate, free*
21 *and unincumbered, in double the amount of said bond, and which said sched-*
22 *ule shall be sworn to by such sureties,* and such notary shall also take and sub-
23 scribe the oath of office prescribed by the Constitution. The oath and bond,
24 *with the accompanying schedule,* shall be deposited in the office of the Secre-
25 tary of State.

26 Sec. 12. *Every notary public shall keep a complete and correct record of*
27 *every official act performed by him during his term of office in a book or books*
28 *kept for that purpose, which shall include a description of the character of*
29 *every instrument acknowledged or certified to, the date of its execution and the*
30 *names of the parties to such instrument or writing acknowledged or certified*
31 *to and every oath or affirmation administered, and the names of the parties*
32 *to whom such oath or affirmation was administered, and the circumstances*
33 *necessitating such oath or affirmation, as well as a correct record of all notices*
34 *of protest of all bills of exchange, promissory notes or other written instru-*
35 *ments, and the time and manner in which the same are served, the names of all*

36 *the parties to whom the same are directed and the description and amount of*
37 *the instrument protested.*

38 Sec. 15. Every notary public hereafter commissioned shall be and hereby
39 is entitled to charge the following fees for compensation, and no other:

40 For taking acknowledgments to any deed, mortgage or other written in-
41 strument conveying real or personal property, or any interest therein, the
42 sum of one (\$1.00) dollar for each acknowledgment.

43 For certifying to any other instrument in writing, \$1.00 for each certifi-
44 cation.

45 For each oath or affirmation administered, the sum of fifty cents.

46 For each protest of every bill of exchange, promissory note or other writ-
47 ten instrument and the service of notice thereof, the sum of two (\$2.00) dol-
48 lars and fifty (50) cents; except if there be more than one person to serve
49 such notice upon, then he shall be entitled to charge fifty cents for each addi-
50 tional person served.

51 Sec. 16. Every notary public commissioned under this Act shall, on or
52 before the first day of January and July of each year, make a report to the
53 county clerk of their respective counties of each and every instrument acknowl-
54 edged or certified to by them and every oath or affirmation administered by
55 them during the current period, which report shall be kept on file in the county
56 clerk's office for public inspection.

57 Sec. 17. Any notary public who knowingly shall administer any false oath
58 or affirmation, or who shall knowingly take a false acknowledgment or make
59 a false certificate, or attempt to do or perform any official act after his term
60 of office has expired, or fails to comply with or violates any of the provisions
61 of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof.

62 shall be fined in a sum not exceeding one thousand (\$1,000.00) dollars, or im-
63 prisoned in the county jail not to exceed six months, or both such fine and
64 imprisonment, in the discretion of the court, and shall be immediately removed
65 from office by the Governor.

- 1 Introduced by Mr. Church, by request, April 21, 1909.
- 2 Read by title, ordered printed and referred to Committee on Corporations.

A BILL

For an Act entitled, "An Act relating to corporations engaged in furnishing suretyship on bonds and their agents; to provide for filing and public inspection of premium rates thereon, and to prevent discrimination therein, and to permit such companies and such agents to form an association for the purpose specified in this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The Insurance Superintendent is hereby empowered
3 to exercise supervision over premium rates for all classes of fidelity or surety
4 bonds issued by any corporation which engages wholly or in part in furnish-
5 ing suretyship on bonds filed, applied for or required by law in this State, and
6 every corporation which engages wholly or in part in furnishing suretyship on
7 bonds shall file with the Insurance Superintendent schedules showing the rate
8 of premium on all classes of fidelity or surety bonds issued by said corpora-
9 tion in this State, and all terms, credits, commissions, refunds and allowances

10 which may in any wise diminish, increase or affect such premium rate, and all
11 such schedules shall be at all times open to public inspection.

Sec. 2. No change shall be made in the schedules which have been filed
2 in compliance with the requirements of this Act, except after thirty days' no-
3 tice to the Insurance Superintendent, which notice shall plainly state the
4 changes proposed to be made in the schedules then in force and the time when
5 such changes will go into effect; and such changes shall be shown by filing
6 new schedules, or shall be plainly indicated on the schedules in force at the time:
7 *Provided*, that the Insurance Superintendent may, in his discretion, for good
8 cause shown, allow changes upon less than the notice specified herein,
9 either in particular instances or by a general order applicable to special or
10 peculiar circumstances or conditions.

Sec. 3. That upon evidence that any rate schedule thus filed and charged
2 by any such corporation on any class of fidelity or surety bonds is unreason-
3 able or excessive, or is inadequate, or not commensurate with the expense and
4 loss incurred on such class of risk, or will not produce premium enough to
5 provide an adequate reserve fund, the Insurance Superintendent may, by veri-
6 fied petition setting forth such evidence, apply to any circuit court of this State
7 for an order fixing and determining a reasonable and adequate rate, and
8 thereupon said court shall fix and determine a reasonable and adequate rate
9 for such class of fidelity and surety bonds. An appeal or writ of error shall
10 lie from the order of the circuit court, as in other cases in equity.

Sec. 4. Subject to the provisions of the foregoing sections, it shall be law-
2 ful for surety companies authorized to do business in this State, or their
3 agents, to form an association for the purpose of reducing losses, gathering
4 statistics, exchanging experiences and ascertaining fair and reasonable rates
5 to be paid them for their suretyship, and may establish and maintain rates so

6 ascertained, and may adopt means to secure the uniformity of rates on fidelity
7 and surety bonds, to prevent rebating and discrimination by such companies
8 or their agents, and to prevent losses arising from dishonesty or dereliction of
9 duty of public officers, trustees, guardians, executors, administrators and other
10 fiduciaries of whatsoever kind and of others for whom such companies may
11 become sureties.

Sec. 5. All meetings of the representatives of such companies authorized
2 to do business in this State for the purpose of enforcing the provisions of this
3 Act shall be held in the city of Springfield, and the Insurance Superintendent
4 and the Attorney General of the State shall each be given ten days' notice of
5 the time and place of said meeting and shall have the right to attend; and all
6 records, ratings, schedules and statistics ascertained or filed at such meetings
7 shall at all times be subject to the inspection of said State officers.

Sec. 6. No such company shall make or permit any discrimination or
2 favoritism between those of the same class for whom it shall issue its obliga-
3 tion, nor shall it or any of its agents pay or allow, directly or indirectly, as
4 an inducement to suretyship, any rebate of the premium payable for such
5 suretyship or any special favor or advantage to accrue thereon.

Sec. 7. Every such corporation or officer or agent thereof which shall
2 knowingly violate any of the provisions of this Act, shall forfeit and pay a
3 sum not exceeding one hundred dollars for each and every violation thereof,
4 to be recovered in an action in the name of the State.

Sec. 8. All Acts or parts of Acts inconsistent with this Act are hereby
2 repealed.

1 Introduced by Mr. Gillespie, April 21, 1909.

2 Read by title, ordered printed and referred to Committee on Warehouses.

A BILL

For an Act to amend section six (6) of an Act entitled, "An Act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, as amended by an Act approved May 24, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section six (6) of "An Act to regulate public
3 warehouses and the warehousing and inspection of grain, and to give effect
4 to article thirteen (13) of the Constitution of this State," approved April 25,
5 1871, in force July 1, 1871, as amended by an Act approved May 24, 1907, in
6 force July 1, 1907, be amended by adding thereto a section to be known as sec-
7 tion 6a, as follows:

8 Sec. 6a. It shall be unlawful for any proprietor, lessee or manager of
9 any warehouse, as provided for in this Act, to store any grain in such ware-

10 house, if the title or ownership to such grain be in whole or in part, either
11 directly or indirectly, in such proprietor, lessee or manager, or to issue or
12 cause to be issued any warehouse receipt, or to be the owner, directly or in-
13 directly, of any warehouse receipt for any grain stored in such ware-
14 house, where the title or ownership to such grain be either in whole or in part,
15 either directly or indirectly, in any such proprietor, lessee or manager; and
16 any such proprietor, lessee or manager violating this provision of this Act
17 shall be guilty of a misdemeanor, and, upon indictment and conviction, shall
18 be fined in a sum not less than one thousand (\$1,000.00) dollars and not more
19 than five thousand (\$5,000.00) dollars for each and every offense.

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- 1 Introduced by Mr. Poulton, April 21, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to amend section 1 of an Act entitled “An Act in regard to the descent of property,” approved April 9, 1872, and in force July 1, 1872, as amended by an Act approved May 25, 1877, and in force July 1, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an Act entitled “An Act in regard to descent of property,” approved April 9, 1872, in force July 1, 1872, as amended by an Act approved May 25, 1877, in force July 1, 1877, be amended so as to read as follows:

6 Sec. 1. That estates, both real and personal, of residents and non-residents
7 proprietors in this State dying intestate, or whose estates or any part thereof
8 shall be deemed and taken as intestate estate, after all just debts and claims
9 against such estates are fully paid, shall descend to and be distributed in manner
10 following, to-wit:

11 *First*—To his or her children and their descendants, in equal parts; the de-
 12 scendants of the deceased child or grand-child taking the share of their de-
 13 ceased parents in equal parts among them.

14 *Second*—When there is no child of the intestate, nor descendant of such
 15 child, and no widow or surviving husband, then to the parents, brothers and
 16 sisters of the deceased and their descendants, in equal parts among them, al-
 17 lowing to each of the parents, if living, a child's part, or to the survivor of
 18 them if one be dead, a double portion; and if there is no parent living, then to
 19 the brothers and sisters of the intestate, and their descendants.

20 *Third*—When there is a widow or surviving husband, and no child or child-
 21 ren, or descendants of a child or children of the intestate, then (after the pay-
 22 ment of all just debts) one-half of the real estate and the whole of the personal
 23 estate shall descend to such widow or surviving husband as an absolute estate
 24 forever, and the other half of the real estate shall descend as in other cases,
 25 where there is no child or children or descendants of a child or children.

26 *Fourth*—When there is a widow or a surviving husband, and also a child or
 27 children or descendants of such child or children of the intestate, the widow or
 28 surviving husband shall receive as his or her absolute personal estate, one-
 29 third of all the personal estate of the intestate.

30 *Fifth*—If there is no child of the intestate or descendant of such child,
 31 and no parent, brother or sister or descendant of such parent, brother or sister,
 32 and no widow or surviving husband, then such estate shall descend in equal parts
 33 to the next of kin to the intestate in equal degree (computing by the rules of the
 34 civil law), and there shall be no representation among collaterals, except with
 35 the descendants of brothers and sisters of the intestate; and in no case shall
 36 there be any distinction between the kindred of the whole and the half blood.

37 *Sixth*—If any intestate leaves a widow or surviving husband and no kindred,
 38 his or her estate shall descend to such widow or surviving husband.

39 *Seventh*—If the intestate leaves no kindred, and no widow or husband, his or
40 her estate shall escheat to and vest in the county in which said real or personal
41 estate, or the greater portion thereof is situated.

42 *Eighth*—Where the intestate leaves a widow or surviving husband and real
43 estate or any interest therein not exceeding in value one thousand dollars
44 (\$1,000) then in such case the whole of said real estate or any interest therein
45 shall descend to such widow or surviving husband.

1 Introduced by Mr. Behrens, April 21, 1909.

2 Read by title ordered printed and referred to Committee on License.

A BILL

For an Act to prevent any person, partnership or corporation connected as owner, part owner, officer, director, stockholder, agent or employe with, or financially interested in any brewery or distillery, from keeping or having any financial interest in a dramship, and to provide for the punishment of any violation of this Act; and also to provide that any citizen or taxpayer may enforce this Act by a bill in equity.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That hereafter it shall be unlawful for any person,
3 partnership or corporation connected as owner, part owner, officer, director,
4 stockholder, agent or employe with, or financially interested in any brewery or
5 distillery, to keep or have any financial interest in a dramshop where distilled,
6 spirituous, vinous, fermented or malt liquors are sold in quantities of less than
7 one (1) gallon.

Sec. 2. That hereafter it shall be unlawful for the corporate authorities
2 of any county, city, town or village to grant a license to keep a dramshop for
3 the sale of distilled, spirituous, vinous, fermented or malt liquors in quantities of
4 less than one (1) gallon to any person partnership or corporation connected
5 as owner, part owner, officer, director, stockholder, agent or employe with, or
6 financially interested in any brewery or distillery.

Sec. 3. Every applicant for a license to keep a dramshop for the sale of
2 distilled, spirituous, vinous, fermented or malt liquors in quantities of less than
3 one (1) gallon, shall, in addition to complying with all other requirements now
4 or hereafter prescribed by law, make and present to the corporate authorities
5 having power and authority to grant dramshop licenses, an affidavit that such
6 applicant is not, and that no person, partnership or corporation having any
7 financial interest in such dramshop, is connected as owner, part owner, officer,
8 director, stockholder, agent or employes with, or financially interested in any
9 brewery or distillery.

Sec. 4. If any applicant for such dramshop license, as provided in section
2 3 hereof, shall make said affidavit and said affidavit shall be false, then the per-
3 son making such affidavit shall be deemed guilty of perjury and, on conviction
4 thereof, shall be punished as in other cases provided by law for the punishment
5 of perjury. Every violation of any other provision of this Act shall constitute
6 a misdemeanor, and any person who shall violate any of such other provisions
7 of this Act shall for each such violation be deemed guilty of a misdemeanor
8 and, on conviction thereof, shall for each such offense be punished by a fine of
9 not less than one hundred dollars (\$100) nor more than five hundred dollars
10 (\$500), or by imprisonment in the county jail for not less than thirty (30) days
11 nor more than six (6) months, or by both such fine and imprisonment; and if
12 such offender shall be a corporation, such corporation shall be deemed guilty of

13 a misdemeanor and, on conviction thereof, shall for each such offense be pun-
14 ished by a fine of not less than one hundred dollars (\$100) nor more than five
15 hundred dollars (\$500), and in case of conviction and as part of the punishment
16 for such offense, the court may give judgment of ouster against such corpora-
17 tion, with the same force and effect as though such judgment of ouster had been
18 rendered in a *quo warranto* proceeding.

Sec. 5. In addition to any and all other remedies provided by law, any
2 citizen or taxpayer in this State may, in his own name, enforce any of the pro-
3 visions of this Act by a bill in equity, and for that purpose the circuit court of this
4 State and the superior court of Cook county, and all other courts of this State
5 having equity jurisdiction shall have, and are hereby given jurisdiction over any
6 and all bills in chancery, filed for the purpose of enforcing this Act or for the
7 purpose of preventing a violation thereof, and said courts may, upon a bill filed
8 for such purpose, grant a temporary or permanent injunction to enforce obed-
9 ience to or prevent a violation of any of the provisions of this Act, any may grant
10 such other and further relief as may be appropriate in the premises.

Sec. 6. All laws and parts of laws in conflict with any of the provisions
2 hereof, are hereby repealed.

AMENDMENTS TO

46th Assem.

HOUSE—No. 619

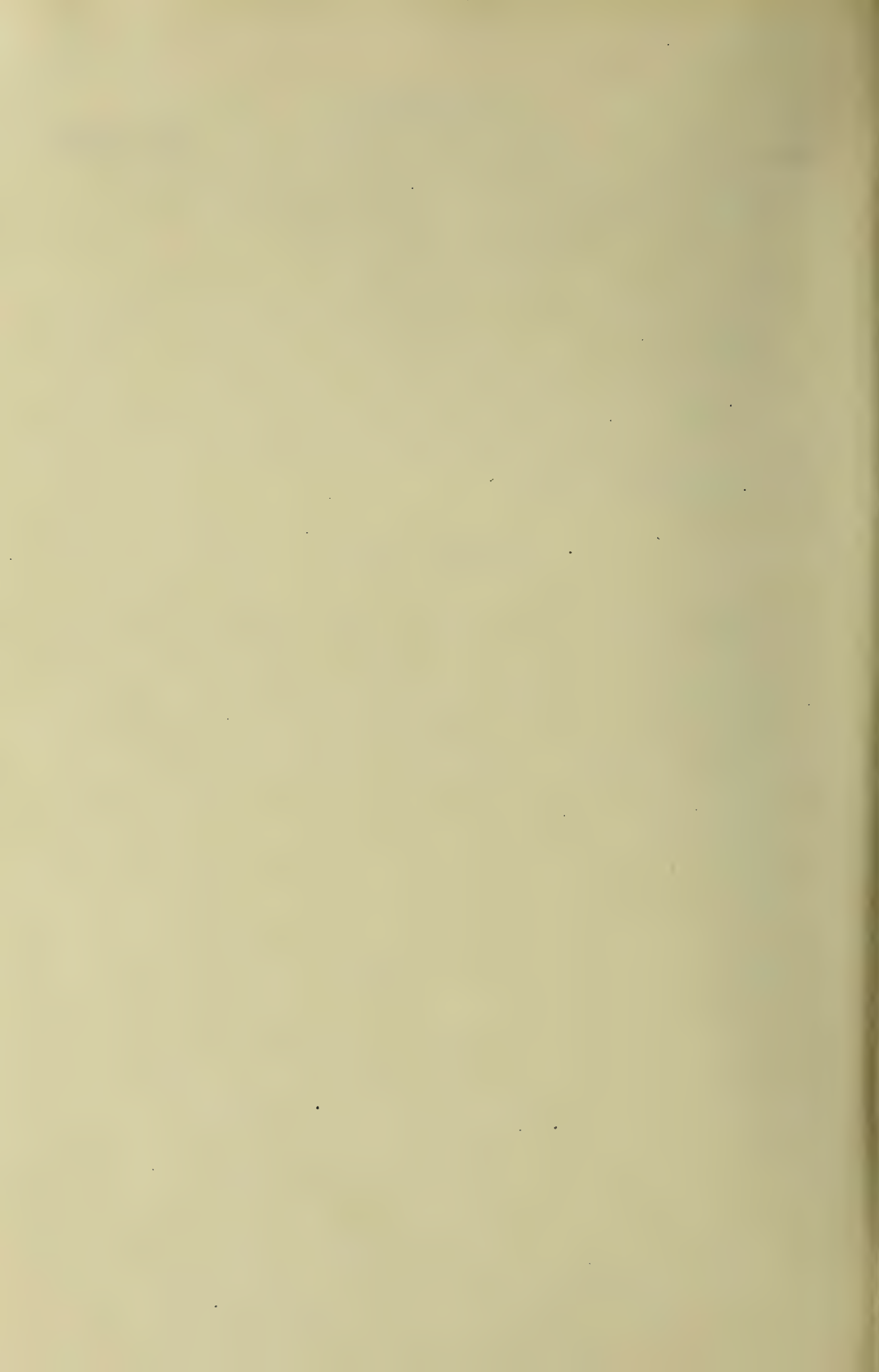
May 1909

AMENDMENT NO. 1.

Amend House Bill No. 619 by adding to line nine (9) of section three (3) of the printed bill the following: “and that no brewery or distillery or agent thereof has or is to have any interest, either as owner or otherwise, in the license to be granted or in the bar equipment in the premises in which the liquor is to be sold either as a mortgage or otherwise.”

AMENDMENT NO. 2.

Amend House Bill No. 619 by adding after line 7 of section one of the printed bill the following: “or to have any interest, directly or indirectly, either as owner or lessee of the premises in which such dramshop is located or as mortgages or otherwise in the fixtures on said premises or in the license to sell liquor thereon.”



1 Introduced by Mr. Fahy, April 21, 1909.

2 Read by title, ordered printed and referred to Committee on Fish and Game.

A BILL

For an Act to amend section 2 of "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, and in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*

2 *in the General Assembly:* That section 2 of an Act entitled, "An Act for the
3 protection of game, wild fowl and birds, and to repeal certain Acts relating
4 thereto," approved April 28, 1903, and in force July 1, 1903, be and the same
5 hereby is amended, so as to read as follows:

6 Sec. 2. WHEN UNLAWFUL TO BRING OR HAVE IN POSSESSION—PENALTY.] It shall
7 be unlawful for any person to buy, sell or have in his possession any of the ani-
8 mals, wild fowl or birds mentioned in section 1 of this Act, at any time when
9 the killing, trapping, netting and ensnaring of such animals, wild fowl or birds
10 shall be unlawful. And it shall further be unlawful for any person or persons,
11 at any time, to buy, sell or expose for sale, or to have in his or their posses-

12 sion for the purpose of selling, any quail, pinnated grouse, or prairie chicken,
13 wild duck, goose, brant, Mexican blue quail, California mountain quail, Califor-
14 nia valley quail, Hungarian partridge, Capercailzie, heath grouse (black
15 grouse), ruffed grouse or partridge, grey, red fox or black squirrel or wild tur-
16 key, except that they shall have been imported from other states, as herein-
17 after provided for, and then only between the 1st day of October and the 1st
18 day of February of the following year. And it shall further be unlawful for
19 any person, corporation or carrier to receive for transportation, to transport,
20 carry or convey any of the aforesaid quail, pinnated grouse or prairie chicken,
21 ruffed grouse or partridge, squirrel, duck, goose, brant, Mexican blue quail,
22 California mountain quail, California valley quail, Hungarian partridge, Cap-
23 ercailzie, heath grouse (black grouse) or wild turkey that shall have been
24 caught, ensnared, entrapped or killed within the limits of this State, knowing
25 the same has been sold, or to offer for sale, or to any place outside of this
26 State for any purpose, except such person have a license from this State so
27 to do. And any person guilty of violating any of the provisions of this section
28 shall be deemed guilty of a misdemeanor, and on conviction thereof shall be
29 fined not less than twenty-five dollars nor more than one hundred dollars for
30 each and every offense, and shall stand committed to the county jail not exceed-
31 ing ten days, or until such fine and costs are paid: *Provided*, that the buy-
32 ing, selling or exposing for sale, having in possession for sale, transporting
33 or carrying and conveying contrary to the provisions of this section, of each
34 and every animal or bird forbidden herein shall be deemed a separate offense.

35 *Provided*, that nothing in this Act shall be construed to prevent any citizen
36 of this State from keeping in confinement, for the purpose of using the same
37 as decoys, or for the purpose of breeding, or for the purpose of endeavoring
38 to domesticate any of the birds aforesaid, but the keeping of the same in con-
39 finement for any of the purposes aforesaid shall not be deemed a violation of
40 any of the provisions of this Act.

- 1 Introduced by Mr. G. H. Wilson, April 22, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act to regulate trading in petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of incorporated or unincorporated companies, security, commodity, or produce, breadstuffs or provisions of any kind, defining certain offenses in connection therewith, and providing penalties for the violation of the provisions thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whoever shall sell or agree to sell any petrol-
3 eum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of incorpo-
4 rated or unincorporated companies, security, commodity, or breadstuffs or pro-
5 visions of any kind, upon any stock exchange, board of trade, or other similar
6 institution, or by private agreement or bargain, when at the time of such sale or
7 agreement to sell, the said petroleum, cotton, grain, cereal, live stock, stocks,
8 bonds, share or shares of incorporated or unincorporated companies, security,

9 commodity, or produce, breadstuffs or provisions of any kind, is not actually
10 owned by the said person selling or agreeing to sell, or whoever shall sell or at-
11 tempt to sell any option thereon or therefor, under like conditions, shall be
12 deemed guilty of a felony, and upon conviction shall be sentenced to imprison-
13 ment in the penitentiary for not less than one year, nor more than fourteen
14 years.

•
Sec. 2. Any telegraph, telephone or other company, knowingly transmit-
2 ting by wire, telegraph or telephone, or other device, any message or messages
3 that shall have for its purpose, the aiding of such sale or agreement to sell, as
4 set forth in the preceding section of this Act, shall be deemed guilty of a mis-
5 demeanor, and upon conviction thereof, shall be adjudged to pay a fine of not
6 less than one thousand dollars, nor more than ten thousand dollars.

Sec. 3. Any board of trade, stock exchange, or other similar institution,
2 which shall knowingly allow as a part of its business, or in connection with its
3 operations, any such sale or agreement to sell any petroleum, cotton, grain,
4 cereal, live stock, stocks, bonds, share or shares of incorporated or unincorpo-
5 rated companies, security, commodity, or produce, breadstuffs or provisions of
6 any kind, not owned at the time by the person selling or agreeing to sell the
7 same, shall be guilty of a misdemeanor, and upon conviction thereof, shall be
8 adjudged to pay a fine of not less than one thousand dollars, nor more than
9 twenty-five thousand dollars, and if the defendant be a corporation, the court
10 before whom said conviction is had, shall as a part of the judgment to be
11 entered in said case, enter a judgment forfeiting its charter.

Sec. 4. Any person buying or agreeing to buy any petroleum, cotton, grain,
2 cereal, live stock, stocks, bonds, share or shares of incorporated or unincorpo-
3 rated companies, security, commodity, or produce of any kind, who at the time
4 such agreement is made, knows that the person selling or agreeing to sell such

5 petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of in-
6 corporated or unincorporated companies, security, commodity, or produce, bread-
7 stuffs or provisions of any kind, is not the owner of the same at the time of
8 such sale, or attempted sale, shall be deemed guilty of a felony, and upon con-
9 viction shall be imprisoned in the penitentiary not less than one year nor more
10 than fourteen years.

Sec. 5. Any person or persons who shall corner or attempt to corner the
2 market in petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or
3 shares of incorporated or unincorporated companies, security, commodity, or
4 produce, breadstuffs, or provisions of any kind, or who shall be guilty of fore-
5 stalling, regrating or engrossing, with reference thereto, shall be deemed guilty
6 of a felony, and upon conviction shall be imprisoned in the penitentiary not
7 less than one year nor more than fourteen years.

Sec. 6. Any person, or persons, co-partnership, association, corporation, or
2 other organization whatsoever, forming, organizing, operating, maintaining,
3 keeping or controlling any board of trade, stock exchange, or other similar insti-
4 tution, office, place of business, or any other place whatsoever, used for the pur-
5 pose of violating any of the provisions of this Act, shall be deemed guilty of a
6 felony, and upon conviction shall be imprisoned in the penitentiary not less than
7 one year nor more than fourteen years.

Sec. 7. Any and all Acts or parts of Acts in conflict herewith are hereby
2 repealed.

AMENDMENTS TO

46th Assem.

HOUSE—No. 621

May 1909

1 Offered by Mr. G. H. Wilson, May 11, 1909.

AMENDMENT NO. 1.

Amend the title by striking out the period after the word “thereof,” at the end of the title in the printed bill, and inserting after said word “thereof” the following: “and providing for the setting aside and vacation of all judgments, mortgages, assurances, bonds, notes, bills, specialties, promises, covenants, agreements, and other acts, deeds, securities or conveyances, given, granted, drawn or executed contrary to the provisions thereof.”

AMENDMENT NO. 2.

Strike out all of said bill after the word “assembly,” in line two of section 1 of the printed bill, and insert in lieu thereof the following:

That whoever shall contract to have or give to himself or another the option to sell or buy, at a future time, any petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of incorporated or unincorporated companies, security, commodity, produce, breadstuffs or provisions of any kind, or whoever shall contract to sell or buy petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of incorporated or unincorporated companies, security, commodity, produce, breadstuffs or provisions of any kind, with the intention that the same shall not be delivered or received, but that the transaction shall be settled

by the payment of the difference between the contract price and the market price at the time of settlement, for the first offense shall be fined not less than \$100 nor more than \$1,000 and confined in the county jail not exceeding one year, and for the second offense shall be imprisoned in the penitentiary not less than one year nor more than fourteen years.

Sec. 2. Any telegraph, telephone or other company, knowingly transmitting by wire, telegraph or telephone, or other device, any message or messages that shall have for its or their purpose the aiding of any such contract or transaction, as set forth in the preceding section of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be adjudged to pay a fine of not less than one thousand dollars nor more than ten thousand dollars.

Sec. 3. Any incorporated company and its officers and managers and the officers and managers of any voluntary association, which incorporated company or voluntary association shall allow as part of its business, or in connection with its operations, or upon any premises used by it in connection with its business the making of any such contract as set forth in section 1 of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be adjudged to pay a fine of not less than one thousand dollars, nor more than twenty-five thousand dollars; and if the defendant be a corporation, the court before whom said conviction is had shall, as a part of the judgment to be entered in said case, enter a judgment forfeiting its charter.

Sec. 4. Whoever shall corner or attempt to corner the market in petroleum, cotton, grain, cereal, live stock, stocks, bonds, share or shares of incorporated or unincorporated companies, security, commodity, produce, breadstuffs or provisions of any kind, or shall forestall the market by spreading false rumors to influence the price of commodities therein, shall be deemed guilty of a fel-

6 ony. and upon conviction shall be imprisoned in the penitentiary not less than
7 one year nor more than fourteen years.

Sec. 5. All judgments, mortgages, assurances, bonds, notes, bills, special-
2 ties, promises, covenants, agreements and other acts, deeds, securities or con-
3 veyances, given, granted, drawn or executed, contrary to the provisions of this
4 Act, may be set aside and vacated by any court of equity, upon bill filed for
5 that purpose, by the person so granting, giving, entering into or executing the
6 same, or by his executors or administrators, or by any creditor, heir, devisee,
7 purchaser or other person interested therein; or if a judgment, the same may
8 be set aside on motion of any person aforesaid, on due notice thereof given.

Sec. 6. No assignment of any bill, note, bond, covenant, agreement, judg-
2 ment, mortgage or other security or conveyances aforesaid shall, in any man-
3 ner, affect the defense of the person giving, granting, drawing, entering into
4 or executing the same, or the remedies of any person interested therein.

Sec. 7. Any and all Acts or parts of Acts in conflict herewith are
2 hereby repealed.

- 1 Introduced by Mr. Pierson, April 22, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act providing for the creation of additional branch Appellate Courts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* The clerk of each Appellate Court shall report in
3 writing to the Supreme Court, whenever so directed by the judges of the
4 Appellate Court of which he is clerk, the number of cases docketed and pend-
5 ing and subject to hearing and determination at that term of said Appellate
6 Court.

Sec. 2. Whenever the number of cases reported as pending and subject
2 to hearing and determination in any appellate court shall exceed the number
3 of 250 for that appellate court and for each branch thereof, and the judges of
4 such appellate court or a majority of them shall in writing so request the
5 supreme court, it shall be the duty of the supreme court to forthwith designate

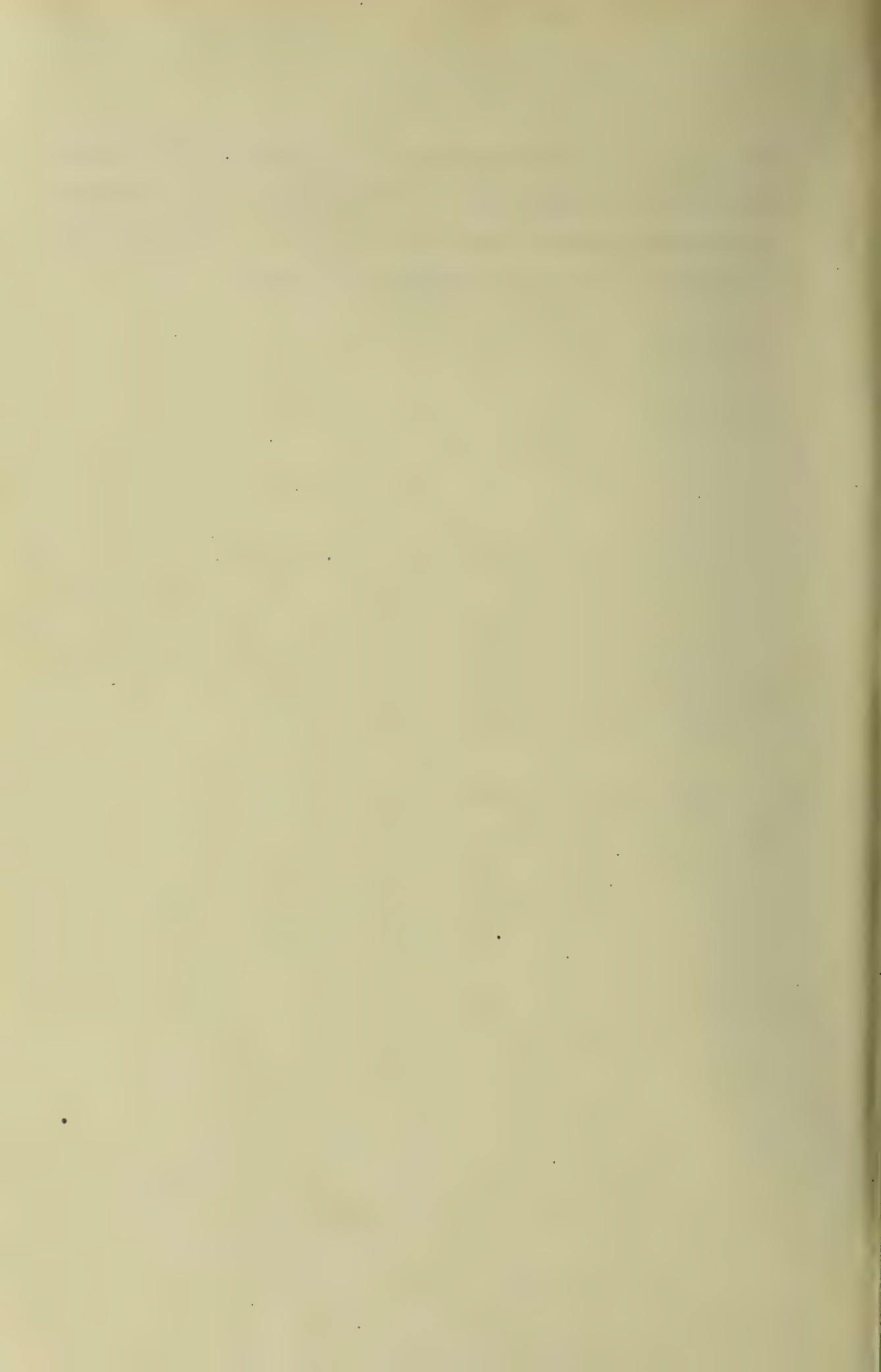
6 and assign three other judges of the circuit courts of the State or of the
7 superior court of Cook county to duty in said appellate court. The three
8 additional judges so designated and assigned shall, as soon as practicable,
9 meet, organize and constitute an additional branch of the appellate court to
10 which they shall have been assigned to duty; and the branch so constituted
11 shall proceed to hear and determine according to law and justice and the rules
12 of said appellate court, all such cases and matters as shall or may be assigned
13 to it by said appellate court, not exceeding in number its fair proportion of
14 causes pending in said appellate court.

Sec. 3. All the provisions made for branch appellate courts by an Act
2 entitled, "An Act to amend an Act entitled, 'An Act to establish appellate
3 courts,' approved June 2, 1877, and providing for the creation of branch
4 appellate courts," approved and in force June 2, 1877, shall thereupon apply
5 to any such additional branch appellate court established under this Act.

Sec. 4. Whenever the term for which judges are assigned to duty in any
2 branch appellate court shall expire, the supreme court shall, before assigning
3 any judge to duty in such branch appellate court, require the clerk to certify
4 to it the number of cases pending and undetermined in such appellate court;
5 and the supreme court shall not assign any judge to duty in any branch ap-
6 pellate court if the number of cases so reported pending shall not exceed 250
7 for said appellate court and for each branch thereof existing before making
8 such assignment.

Sec. 5. Whenever any judge residing in a county having a population of
2 less than 150,000 shall be assigned or required by the supreme court to serve
3 as a judge in an appellate court sitting in a county having a population of
4 more than 150,000, there shall be paid to such judge, out of the county treas-

5 ury of the county in which is held the appellate court to which he is assigned,
6 for his reasonable expenses, \$10 a day for the time he shall actually spend
7 away from his home and serve in determining cases in such appellate court,
8 or any branch thereof, to which he has been so assigned.

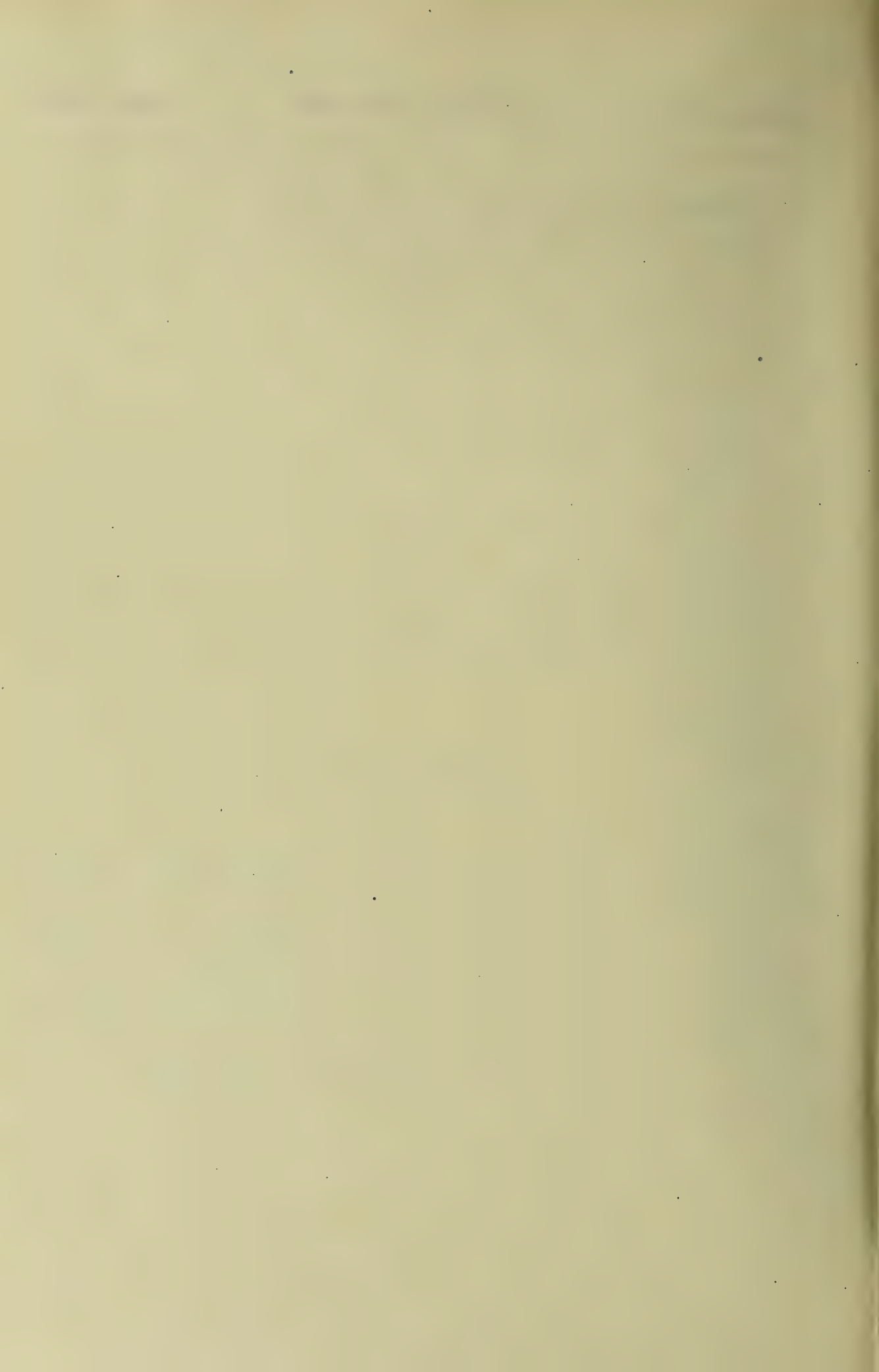


- 1 Introduced by Mr. Perkins, April 22, 1909.
- 2 Read by title, ordered printed and to lie on the Speaker's table.

A BILL

For an Act to make the verdict of the jury on questions of fact final as to those facts when followed by judgment or decree of the trial court.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That in all suits at law and in equity where the
3 right of trial by jury exists, the same shall be preserved and the verdict of
4 the jury on questions of fact, when followed by the judgment or decree of the
5 court, in which such suit is tried, in accordance with such verdict, shall be final
6 as to such fact or facts, and shall not be subject to review thereon by writ of
7 error or appeal.



- 1 Introduced by Mr. Dudgeon, April 22, 1909.
- 2 Read by title, ordered printed and referred to Committee on Soldiers' and
Sailors' Home and Soldiers' Orphans' Home.

A BILL

For an Act to amend sections 3 and 4 of an Act entitled, "An Act to provide for the visitation of children placed in family homes," approved May 13, 1905, in force July 1, 1905, as amended by Act approved May 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That sections 3 and 4 of an Act entitled, "An Act
3 to provide for the visitation of children placed in family homes," approved
4 May 13, 1905, in force July 1, 1905, as amended by an Act approved May 25,
5 1907, in force July 1, 1907, be, and the same is hereby amended to read as
6 follows:

7 Sec. 3. It shall be the duty of the State Board of Public Charities to ap-
8 point a State agent who shall receive a salary of \$2,000 per annum in addition
9 to his actual and necessary traveling expenses incurred in the performance of

his official duties; and to appoint such number of visitors, not exceeding four, and pay such compensation for such visitors as shall be approved by the Governor, such compensation to be paid in addition to the actual and necessary traveling expenses incurred by said visitors in the performance of their official duties.

These visitors shall be discrete men and women selected with special view to their wisdom and fitness for visiting children and shall be appointed by civil service procedure and shall be subject to the provisions of the State Civil Service Law.

The State Board of Charities is also hereby authorized and empowered to appoint such other employes as are necessary to perform the clerical work and other office work of the State agent and to pay such employes from the incidental expense appropriation.

Sec. 4. It shall be the duty of the State agent to have general charge of the work of visitation, under such rules as the State Board of Public Charities may prescribe; *to inspect all home-finding institutions where dependent and delinquent children may be committed or kept and pass upon the same for charter and certificate; to assist the local authorities in gathering evidence in cases of abuse of dependent and delinquent orphan children and in the prosecution of alleged offenders;* and it shall be the duty of the visitors provided for in section 3 to visit children placed in homes and said visitors shall act under such rules as may be prescribed by the State Board of Public Charities.

The State Board of Public Charities may, in its discretion, permit the child to be visited by an agent of the association or institution by which the child may have been placed in a home and may accept the report of such agent, provided that such visit shall be made in accordance with the rules established by said State Board of Public Charities, and shall have been re-

38 ported on blanks provided for in this Act: *And, provided, further,* that such
39 permission shall not be given until the agent of said board shall have visited
40 a sufficient number of the wards of such association or institution to enable
41 the said State Board to ascertain the quality of the work done by such association
42 or institution. After a child shall have been legally adopted in accordance
43 with the laws of the State of Illinois, then said child shall no longer be subject
44 to the visitation provided for in this Act.

-
- 1 Introduced by Mr. Sollitt, April 22, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act prescribing the manner of construction and alteration of theatres and other auditoriums and halls for public entertainments, prescribing the powers and duties of the Chief State Factory Inspector in relation thereto, and providing for the enforcement thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That every building hereafter erected or altered
3 to be used as a theatre, opera house, or other building intended for theatri-
4 cal purposes, lectures or concerts, or public entertainments of any kind, shall
5 be built or altered to comply with the requirements of section 2 and section
6 4 of this Act. No building which at the time of the passage of this Act is
7 not in actual use for theatrical or operatic purposes, lectures or concerts, or
8 public entertainments of any kind, and no building hereafter erected or altered

9 not in conformity with the requirements of section 2 of this Act, shall be used
10 for theatrical or operatic purposes, lectures or concerts, or public entertain-
11 ments of any kind until the same shall have been made to conform to the re-
12 quirements of section 2 of this Act. No such building shall hereafter be
13 erected or altered until a copy of the plans of said building has been deposited
14 with the Chief State Factory Inspector by the person causing the erection or
15 construction of such building, or by the architect who has drawn such plans,
16 which plans shall include therein the system or method of ventilation pro-
17 vided for such building, together with a copy of such of the specifications of
18 such building as such Chief State Factory Inspector may require. In case
19 any such conforms, in the judgment of such Chief Factory Inspector, to the
20 requirements of this Act, he shall issue to the owner, lessee or occupant of such
21 building or of any portion thereof used as above mentioned, a certificate to
22 that effect. The certificate of the inspector above named shall be conclusive
23 evidence of a compliance with the provisions of this Act: *Provided*, that
24 after the granting of such certificate no change is made in the plans or speci-
25 fications of such ways of egress, means of escape or ventilation, unless a new
26 certificate is obtained therefor.

Sec. 2. Every theatre, opera house or other building accommodating
2 three hundred persons shall have at least two exits. When accommodating
3 five hundred person, at least three exits shall be provided. Doorways of exits
4 or entrance for the use of the public shall be not less than five feet in width,
5 and for every additional one hundred persons, or portion thereof, to be ac-
6 commodated in excess of five hundred, an aggregate of twenty inches addi-
7 tional exit width must be allowed. (These doorways of exit and entrance may
8 be in the front all together, or in case of a theatre or opera house, having also
9 an exit and an entrance directly to and from another street, through a way
10 or passage covered or otherwise, the width of one third of that of the widest

11 part of the auditorium or assembly hall, some of said doorways may be made
 12 therein, to such an extent as said entrance or passage will accommodate the
 13 same.) All doors of exits or entrances shall open outwardly, and be hung to
 14 swing in such a manner as not to become an obstruction in a passage or cor-
 15 ridor, and no such doors shall be locked during any entertainment or when
 16 the building is open to the public. Distinct and separate places of exit and
 17 entrance shall be provided for each gallery above the first. A common place
 18 of exit and entrance may serve for the first floor of the auditorium and first
 19 gallery, provided its capacity be equal to the aggregate capacity of the out-
 20 lets from the main floor and said gallery. No passage leading to any stair-
 21 way, communicating with any entrance or exit, shall be less than five feet in
 22 width in any part thereof.

Sec. 3. Stairways serving for the exit of the audience shall be one foot
 2 in width for each one hundred persons and in no case shall the width of such
 3 stairways be less than four feet. In no case shall the risers of any stairs
 4 exceed seven and one-half inches in height, nor shall the treads, exclusive
 5 of the nosings, be less than ten and one-half inches wide. When stairs return
 6 directly on themselves, a landing of the full width of both flights, without any
 7 steps shall be provided. Stairs turning at any angle shall have a proper land-
 8 ing, without winders, introduced at said turn. In stairs when two side flights
 9 connect with one main flight no winders shall be introduced, and the width of
 10 the main flight shall be at least equal to the aggregate width of said flights.
 11 All inclosed stairways shall have on both sides strong hand rails firmly secured in
 12 the wall about three inches therefrom, and about three feet above the stairs.
 13 but said hand rails need not run on level platform and landings where the
 14 same is more in length than the width of the stairs. All staircases six feet
 15 and over in width shall be provided with a center hand rail of hard wood
 16 or metal not less than two inches in diameter, placed at a height of about

17 three feet above the center of the treads, and supported on wrought iron or
18 brass standards of sufficient strength, placed not farther than four feet apart
19 and securely bolted to the treads or risers of stairs, or both, and at the head
20 of each flight of stairs, on each landing, the posts or standard shall be at least
21 six feet in height, to which the rail shall be secured.

Sec. 4. In all theatres, opera houses, or places of public amusement,
2 where stage scenery or apparatus is used, there shall be provided two direct
3 exterior outlets from the stage. When dressing rooms are under stage, more
4 than one way of escape shall be provided for each room. All seats in the audi-
5 torium, except those contained in the boxes, shall be firmly secured to the floor
6 and no seat in the auditorium shall have more than six seats between it and
7 aisle on either side. All aisles on the respective floors in the auditorium,
8 having seats on both sides of the same, shall be not less than three feet wide
9 where they begin and shall be increased in width toward the exits in the ratio
10 of one and one-half inches to five running feet. Aisles having seats on one
11 side only shall be not less than two feet wide at their beginning, and increase
12 in width the same as aisles having seats on both sides, but the provisions of
13 this Act shall not apply to any building now in use for theatrical or operatic
14 purposes, but is intended to include all buildings to be hereafter erected or re-
15 modeled for theatrical or operatic purposes.

Sec. 5. In every building used for theatrical, operatic or other purposes,
2 where stage scenery or other apparatus is used, stand pipes of at least two inches
3 in diameter shall be provided, with hose attachments of not less than one and
4 one-half inches in diameter or turret nozzles one on each side of the stage,
5 and each level and at least one in the property room, and one in the carpen-
6 ter's shop, if the same be contiguous to the building. All such stand pipes
7 shall be kept clear from obstructions. Said stand pipes shall be separate
8 and distinct, receiving their supply of water from the city mains, and also a

9 Siamese connection on main line, and shall be fitted with the regulation
 10 couplings of the fire department, and shall be kept constantly filled with water
 11 ready for immediate use at all times during a performance in said building
 12 or buildings. Turret nozzles, or a proper and sufficient quantity of at least
 13 one and one-half inch hose, with nozzles attached thereto, fitted with regula-
 14 tion couplings of the fire department, and with hose spanners at each outlet,
 15 shall always be kept attached to each hose attachment. There shall also be
 16 provided a line of water pipe, of suitable size, across the proscenium arch, to
 17 which shall be attached devices that will operate so as to make a water cur-
 18 tain in front or rear of the regular drop curtain. A controlling valve to turn
 19 on the water for this water curtain shall be placed on the stage at each side
 20 of the proscenium arch. There shall also be kept in readiness for immediate
 21 use on the stage at least two (2) casks full of water and two (2) buckets to each
 22 cask. Such casks and buckets shall be painted red. There shall be provided
 23 one (1) fire hook and one (1) fire ax for each side of the stage and for each
 24 level. Hooks to be fifteen (15) feet in length, and together with axes, to be
 25 hung on wall in a conspicuous place.

Sec 6. In every building used for theatrical, operative of other purposes,
 2 where stage scenery or apparatus is used, the word "exit" shall be painted
 3 in plain English letters, not less than eight inches in length, over each door
 4 or place of egress. Every exit shall have over the same a red light. All
 5 lights over exits in the halls, corridors, lobby or any other part of said build-
 6 ings, used by the audience, except the auditorium, must be independent and
 7 controlled by a separate circuit. The switch or shut-off shall be located in
 8 the box office or manager's office and controlled in only that particular place,
 9 which light shall remain lighted until the entire audience has left the theatre.

Sec. 7. Gradients or inclined planes shall be employed instead of steps,
 2 where rise is not more than one foot in ten. All wood work, including the

underside of all floor boards, and all scenery used on or about the stage, shall be coated with fire proof paint. The fire resisting qualities shall be tested and approved by the department of inspection.

Sec. 8. There shall be over the stage of every building, where stage scenery or apparatus is used, accommodating more than five hundred people, flues or ducts extending above the highest roof which forms a part of such building, which flues and ducts shall have an area of at least one-thirtieth of the total area of such stage. The dampers for opening and closing such ducts shall be constructed so as to open instantly on the loosening, cutting or burning of a hempen cord, which shall be arranged to hold such dampers closed, or some other equally simple, approved device for opening them may be provided. These dampers shall be made of sheet metal and the ducts of incombustible material, and all shall be properly insulated as regards transmission of heat to adjacent combustible substances.

Sec. 9. It shall be the duty of the Chief Factory Inspector to cause this Act to be enforced and to cause all violators of the same to be prosecuted, and for that purpose he is empowered to inspect all such buildings, in person or by deputy, at all reasonable hours. The prosecuting attorney of any county of this State is hereby required upon request of the Chief State Factory Inspector to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this Act.

Sec. 10. Any person erecting or constructing a building, or an architect or other person who shall draw plans or specifications or superintend the erection or construction of a building, in violation of the provisions of this Act, shall be punished by a fine of not less than fifty dollars (\$50.00) nor

5 more than one thousand dollars (\$1,000.00). And if any building is construct-
6 ed in violation of this Act, each day that such building remains so con-
7 structed in violation thereof shall constitute a separate and distinct offense.

Sec. 11. Every person, firm or corporation owning or controlling any
2 theatre, opera house or place of amusement, erected or remodeled after the
3 passage of this Act where stage scenery or apparatus is used, who fails to
4 comply with any of the provisions of sections 3, 4, 5, 6, 7, or 8 of this Act,
5 shall, on conviction thereof, be fined in any sum not exceeding fifty dollars
6 (\$50.00), and each day of such violation shall constitute a separate and dis-
7 tinct offense.

Sec. 12. The provisions of this Act shall not be held to apply to the
2 construction and alteration of theatres, auditoriums or halls for public enter-
3 tainment in cities of one hundred thousand (100,000) population or over which
4 have enacted or which shall hereafter enact an ordinance or ordinances pre-
5 scribing the manner of construction and alteration of such buildings; providing
6 the requirements of such ordinance or ordinances are equal to, or superior
7 to the provisions of this Act, with reference to the protection of people from
8 fire: *Provided, however,* that in such cities covered by such ordinance or
9 ordinances, it shall be the duty of the owner, lessee or manager of any such
10 theatre, auditorium or hall of public entertainment, to furnish to the Chief
11 State Factory Inspector a certificate of compliance with the terms of such local
12 ordinance or ordinances signed by the person or officer charged with the en-
13 forcement thereof, which certificate shall be accepted by said Chief State Fac-
14 tory Inspector as a compliance with the provisions of this Act.

- 1 Introduced by Mr. Kleeman, April 22, 1909.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations.

A BILL

For an Act to amend section one of article five of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, as amended by an Act approved and in force March 30, 1887, and as amended by an Act approved and in force December 31, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one of article five of an Act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force March 30, 1887; and as amended by an Act approved and in force December 31, 1907, be amended so as to read as follows:

Sec. 1. The city council in cities, and president of the board of trustees in villages, shall have the following powers:

9 *First*—To control the finances and property of the corporation.

10 *Second*—To appropriate money for corporate purposes only, and provide
11 for payment of debts and expenses of the corporation.

12 *Third*—To levy and collect taxes for general and special purposes on real
13 and personal property.

14 *Fourth*—To fix the amount, terms and manner of issuing and revoking licenses.

15 *Fifth*—To borrow money on the credit of the corporation for corporate pur-
16 poses and issue bonds therefor, in such amounts and form and on such condi-
17 tions as it shall prescribe, but shall not become indebted in any manner or for
18 any purpose to an amount, including existing indebtedness, in the aggregate
19 to exceed five (5) per centum on the value of the taxable property therein, to
20 be ascertained by the last assessment for the State and county taxes previous
21 to the incurring of such indebtedness; and before or at the time of incurring any
22 indebtedness, shall provide for the collection of a direct annual tax sufficient to
23 pay the interest on such debt as it falls due, and also to pay and discharge the
24 principal thereof within twenty years after contracting the same.

25 *Sixth*—To issue bonds in place of or to supply means to meet maturing
26 bonds, or for the consolidation or funding of the same.

27 *Seventh*—To lay out, to establish, open, alter, widen, extend, grade, pave
28 or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and
29 public grounds and vacate the same.

30 *Eighth*—To plant trees upon the same.

31 *Ninth*—To regulate the use of the same.

32 *Tenth*—To prevent and remove encroachments or obstructions upon the
33 same.

34 *Eleventh*—To provide for the lighting of the same.

35 *Twelfth*—To provide for the cleansing of the same.

36 *Thirteenth*—To regulate the openings therein for the laying of gas or
37 water mains and pipes, and the building and repairing of sewers, tunnels and

38 drains, and erecting gas lights: *Provided, however,* that any company here-
 39 tofore organized under the general laws of this State, or any association of
 40 persons organized, or which may be hereafter organized, for the purpose of
 41 manufacturing illuminating gas to supply cities or villages, or the inhabitants
 42 thereof with the same, shall have the right, by consent of the common coun-
 43 cil (subject to existing rights), to erect gas factories and lay down pipes in
 44 the streets or alleys of any city or village in this State, subject to such
 45 regulations as any such city or village may by ordinance impose.

46 *Fourteenth*—To regulate the use of sidewalks and all structures there-
 47 under; and to require the owner or occupant of any premises to keep the side-
 48 walks in front of, or along the same, free from snow and other obstructions.

49 *Fifteenth*—To regulate or prevent the throwing or depositing of ashes,
 50 offal, dirt, garbage or any offensive matter in, and to prevent injury to any
 51 street, avenue, alley or public ground.

52 *Sixteenth*—To provide for and regulate crosswalks, curbs and gutters.

53 *Seventeenth*—To regulate and prevent the use of streets, sidewalks and
 54 public grounds for signs, sign posts, awnings, awning posts, telegraph poles,
 55 horse troughs, racks, posting hand bills and advertisements.

56 *Eighteenth*—To regulate and prohibit the exhibition or carrying of ban-
 57 ners, placards, advertisements or hand bills in the streets or public grounds, or
 58 upon the sidewalks.

59 *Nineteenth*—To regulate and prevent the flying of flags, banners or signs
 60 across the streets or from houses.

61 *Twentieth*—To regulate traffic and sales upon the streets, sidewalks and
 62 public places.

63 *Twenty-first*—To regulate the speed of horses and other animals, vehi-
 64 cles, cars and locomotives within the limits of the corporation.

65 *Twenty-second*—To regulate the numbering of houses and lots.

66 *Twenty-third*—To name and change the name of any street, avenue, alley
67 or other public places.

68 *Twenty-fourth*—To permit, regulate or prohibit the locating, constructing
69 or laying a track of any horse railroad in any street, alley or public place;
70 but such permission shall not be for a longer time than for twenty years.

71 *Twenty-fifth*—To provide for and change the location, grade and crossings
72 of any railroad, *and prescribe by ordinance the motive power with which cars*
73 *and trains may be operated within the limits of such city or village and change*
74 *the same at any time whenever, in their judgment, such change is necessary.*

75 *Twenty-sixth*—To require railroad companies to fence their respective rail-
76 roads, or any portion of the same, and to construct cattle guards, crossings of
77 streets and public roads, and keep the same in repair, within the limits of the
78 corporation. In case any railroad company shall fail to comply with any such
79 ordinance, it shall be liable for all damages the owner of any cattle or horses
80 or other domestic animal may sustain by reason of injuries thereto while on
81 the track of such railroad, in like manner and extent as under the general laws
82 of this State relative to the fencing of railroads; and actions to recover such
83 damages may be instituted before any justice of the peace or other court of
84 competent jurisdiction.

85 *Twenty-seventh*—To require railroad companies to keep flagmen at rail-
86 road crossings of streets, and provide protection against injury to persons and
87 property in the use of such railroads. To compel such railroads to raise or
88 lower their railroad tracks to conform to any grade which may at any time be
89 established by said city, and where such tracks run lengthwise of any such
90 street, alley or highway, to keep their railroad tracks on a level with the
91 street surface so that such tracks may be crossed at any place on such
92 street, alley or highway. To compel and require railroad companies to make
93 and keep open and to keep in repair ditches, drains, sewers and culverts along
94 and under their railroad tracks, so that filthy or stagnant pools of water can

95 not stand on their grounds or right of way, and so that the natural drainage
96 of adjacent property shall not be impaired.

97 *Twenty-eighth*—To construct and keep in repair bridges, viaducts and
98 tunnels, and to regulate the use thereof.

99 *Twenty-ninth*—To construct and keep in repair culverts, drains, sewers
100 and cesspools and to regulate the use thereof.

101 *Thirtieth*—To deepen, widen, dock, cover, wall, alter or change channel of
102 water courses.

103 *Thirty-first*—To construct and keep in repair canals and slips for the ac-
104 commodation of commerce.

105 *Thirty-second*—To erect and keep in repair public landing places, wharves,
106 docks and levees.

107 *Thirty-third*—To regulate and control the use of public and private land-
108 ing places, wharves, docks and levees.

109 *Thirty-fourth*—To control and regulate the anchorage, moorage and land-
110 ing of all water craft and their cargoes within the jurisdiction of the corpor-
111 ation.

112 *Thirty-fifth*—To license, regulate and prohibit wharf boats, tugs and other
113 boats used about the harbor or within such jurisdiction.

114 *Thirty-sixth*—To fix the rate of wharfage and dockage.

115 *Thirty seventh*—To collect wharfage and dockage from all boats, rafts or
116 other craft landing at or using any public landing place, wharf, dock
117 or levee within the limits of the corporation.

118 *Thirty-eighth*—To make regulations in regard to the use of harbors, towing
119 of vessels, opening and passing of bridges.

120 *Thirty-ninth*—To appoint harbor masters and define their duties.

121 *Fortieth*—To provide for the cleansing and purification of waters, water
122 courses and canals, and the draining or filling of ponds on private property,
123 whenever necessary to prevent or abate nuisances.

124 *Forty-first*—To license, tax, regulate, suppress and prohibit hawkers, ped-
 125 dlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions,
 126 shows and amusements, and to revoke such license at pleasure.

127 *Forty-second*—To license, tax and regulate hackmen, draymen, omnibus
 128 drivers, carters, cabmen, porters, expressmen and all others pursuing like oc-
 129 cupations, and to prescribe their compensation.

130 *Forty-third*—To license, regulate, tax and restrain runners for stages,
 131 cars, public houses or other things or persons.

132 *Forty-fourth*—To license, regulate, tax or prohibit and suppress billiard,
 133 bagatelle, pigeon hole or any other tables or implements kept or used for a
 134 similar purpose in any place of public resort, pin alleys and ball alleys.

135 *Forty-fifth*—To suppress bawdy and disorderly houses, houses of ill fame
 136 or assignation within the limits of the city and within three miles of the outer
 137 boundaries of the city; and also to suppress gaming and gambling houses,
 138 lotteries and all fraudulent devices and practices for the purpose of gaining
 139 or obtaining money or property; and to prohibit the sale or exhibition of ob-
 140 scene or immoral publications, prints, pictures or illustrations.

141 *Forty-sixth*—To license, regulate and prohibit the selling or giving away
 142 of intoxicating, malt, vinous, mixed or fermented liquor, the license not
 143 to extend beyond the municipal year in which it shall be granted, and to de-
 144 termine the amount to be paid for such license: *Provided*, that the city coun-
 145 cil in cities, or president and board of trustees in villages, may grant per-
 146 mits to druggists for the sale of liquors for medicinal, mechanical, sacra-
 147 mental and chemical purposes only, subject to forfeiture, and under such re-
 148 strictions and regulations as may be provided by ordinance: *Provided, fur-*
 149 *ther*, that in granting licenses, such corporate authorities shall comply with
 150 whatever general law of the State may be in force relative to the granting of
 151 licenses.

152 *Forty-seventh*—The foregoing shall not be construed to affect the provi-
153 sions of the charter of any literary institution heretofore granted.

154 *Forty-eighth*—Any city council in cities, and president and board of
155 trustees in villages, shall also have the power to forbid and punish the sell-
156 ing or giving away of any intoxicating, malt, vinous, mixed or fermented
157 liquor to any minor, apprentice or servant or insane, idiotic or distracted
158 person, habitual drunkard or person intoxicated.

159 *Forty-ninth*—To establish markets and market houses and provide for the
160 regulation and use thereof.

161 *Fiftieth*—To regulate the sale of meats, poultry, fish, butter, cheese, lard,
162 vegetables and all other provisions, and to provide for place and manner of
163 selling the same.

164 *Fifty-first*—To prevent and punish forestalling and regrating.

165 *Fifty-second*—To regulate the sale of bread in the city or village; pre-
166 scribe the weight and quality of the bread in the loaf.

167 *Fifty-third*—To provide for and regulate the inspection of meats, poultry,
168 fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other pro-
169 visions.

170 *Fifty-fourth*—To regulate the inspection, weighing and measuring of
171 brick, lumber, fire wood, coal, hay and any article of merchandise.

172 *Fifty-fifth*—To provide for the inspection and sealing of weights and
173 measures.

174 *Fifty-sixth*—To enforce the keeping and use of proper weights and meas-
175 ures by vendors.

176 *Fifty-seventh*—To regulate the construction, repairs and use of vaults,
177 cisterns, areas, hydrants, pumps, sewers and gutters.

178 *Fifty-eighth*—To regulate places of amusement.

179 *Fifty-ninth*—To prevent intoxication, fighting, quarreling, dog fights, cock
180 fights and all disorderly conduct.

181 *Sixtieth*—To regulate partition fences and party walls

182 *Sixty-first*—To prescribe the thickness, strength and manner of construct-
183 ing stone, brick and other buildings and construction of fire escapes therein.

184 *Sixty-second*—The city council, and the president and trustees in vil-
185 lages, for the purpose of guarding against the calamities of fire, shall have
186 power to prescribe the limits within which wooden buildings shall not be
187 erected or placed, or repaired, without permission, and to direct that all and
188 any buildings within the fire limits, when the same shall have been damaged
189 by fire, decay or otherwise, to the extent of fifty per cent of the value, shall
190 be torn down or removed, and to prescribe the manner of ascertaining such
191 damage.

192 *Sixty-third*—To prevent the dangerous construction and condition of
193 chimneys, fireplaces, hearths, stoves, stove pipes, ovens, boilers and apparatus
194 used in and about any building and manufactory, and to cause the same to
195 be removed or placed in a safe condition, when considered dangerous; to reg-
196 ulate and prevent the carrying on of manufactories dangerous in causing and
197 promoting fires; to prevent the deposit of ashes in unsafe places, and to
198 cause all such buildings and enclosures as may be in a dangerous state to be
199 put in a safe condition.

200 *Sixty-fourth*—To erect engine houses and provide fire engines, hose carts,
201 hooks and ladders and other implements for prevention and extinguishment
202 of fires, and provide for the use and management of the same by voluntary
203 fire companies or otherwise.

204 *Sixty-fifth*—To regulate and prevent storage of gunpowder, tar, pitch,
205 resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum or
206 any of the products thereof, and other combustible or explosive material, and
207 the use of lights in stables, shops and other places, and the building of bon
208 fires; also to regulate and restrain the use of fireworks, firecrackers, torpe-
209 does, Roman candles, sky rockets and other pyrotechnic displays.

210 *Sixty-sixth*—To regulate the police of the city or village, and pass and
211 enforce all necessary police ordinances.

212 *Sixty-seventh*—To provide for the inspection of steam boilers.

213 *Sixty-eighth*—To prescribe the duties and powers of a superintendent of
214 police, policemen and watchmen.

215 *Sixty-ninth*—To establish and erect calaboozes, bridewells, houses of cor-
216 rection and workhouses for the reformation and confinement of vagrants, idle
217 and disorderly persons and persons convicted of violating any city or village
218 ordinance, and make rules and regulations for the government of the same, and
219 appoint necessary keepers and assistants.

220 *Seventieth*—To use the county jail for the confinement or punishment of
221 offenders, subject to such conditions as are imposed by the law, and with the con-
222 sent of the county board.

223 *Seventy-first*—To provide by ordinance in regard to the relation between
224 all the officers and employes of the corporation in respect to each other, the
225 corporation and the people.

226 *Seventy-second*—To prevent and suppress riots, routs, affrays, noises, dis-
227 turbances, disorderly assemblies in any public or private place.

228 *Seventy-third*—To prohibit and punish cruelty to animals.

229 *Seventy-fourth*—To restrain and punish vagrants, mendicants and prosti-
230 tutes.

231 *Seventy-fifth*—To declare what shall be a nuisance, and to abate the same;
232 and to impose fines upon parties who may create, continue or suffer nuisance
233 to exist.

234 *Seventy-sixth*—To appoint a board of health, and prescribe its powers and
235 duties.

236 *Seventy-seventh*—To erect and establish hospitals and medical dispensar-
237 ies and control and regulate the same.

238 *Seventy-eighth*—To do all acts, make all regulations which may be nec-
 239 essary or expedient for the promotion of health or the suppression of disease.

240 *Seventy-ninth*—To establish and regulate cemeteries within or without the
 241 corporation, and acquire lands therefor, by purchase or otherwise, and cause
 242 cemeteries to be removed, and prohibit their establishment within one mile of
 243 the corporation.

244 *Eightieth*—To regulate, restrain and prohibit the running at large of
 245 horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on
 246 dogs.

247 *Eighty-first*—To direct the location and regulate the management and
 248 construction of packing houses, renderies, tallow chandleries, bone factories,
 249 soap factories and tanneries, within the limits of the city or village and with-
 250 in the distance of one mile without the city or village limits.

251 *Eighty-second*—To direct the location and regulate the use and construc-
 252 tion of breweries, distilleries, livery stables, blacksmith shops and founderies
 253 within the limits of the city or village.

254 *Eighty-third*—To prohibit any offensive or unwholesome business or estab-
 255 lishment within or within one mile of the limits of the corporation.

256 *Eighty-fourth*—To compel the owner of any grocery, cellar, soap or tallow
 257 chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or
 258 nauseous house or place, to cleanse, abate or remove the same, and to regulate
 259 the location thereof.

260 *Eighty-fifth*—The city council or trustees of a village shall have power to
 261 provide for the taking of the city or village census; but no city or village
 262 census shall be taken by authority of the council or trustees oftener than once
 263 in three years.

264 *Eighty-sixth*—To provide for the erection and care of all public buildings
 265 necessary for the use of the city or village.

266 *Eighty-seventh*—To establish ferries, toll bridges and license and regulate
 267 the same, and from time to time fix tolls thereon.

268 *Eighty-eighth*—To authorize the construction of mills, mill races and feed-
 269 ers on, through or across the streets of the city or village, at such places and
 270 under such restrictions as they shall deem proper.

271 *Eighty-ninth*—The city council shall have power, by condemnation or
 272 otherwise, to extend any street, alley or highway over or across or to con-
 273 struct any sewer under or through any railroad track, right of way, or land
 274 of any railroad company (within the corporate limits); but where no compen-
 275 sation is made to such railroad company the city shall restore such railroad
 276 track, right of way or land to its former state, or in a sufficient manner not
 277 to have impaired its usefulness.

278 *Ninetieth*—The city council or board of trustees shall have no power to
 279 grant the use of or the right to lay down any railroad tracks in any street
 280 of the city to any steam, dummy, electric, cable, horse or other railroad com-
 281 pany, whether the same shall be incorporated under any general or special law
 282 of the State, now or hereafter in force, except upon the petition of the own-
 283 ers of the land representing more than one-half of the frontage of the street,
 284 or so much thereof as is sought to be used for railroad purposes, and when
 285 the street or part thereof sought to be used shall be more than one mile in
 286 extent, no petition of land owners shall be valid unless the same shall be
 287 signed by the owners of the land representing more than one-half of the front-
 288 age of each mile and of the fraction of a mile, if any, in excess of the whole
 289 miles, measuring from the initial point named in such petition, of such street
 290 or of the part thereof sought to be used for railroad purposes.

291 *Ninety-first*—To tax, license and regulate auctioneers, distillers, brewers,
 292 lumber yards, livery stables, public scales, money changers and brokers.

293 *Ninety-second*—To prevent and regulate the rolling of hoops, playing of
 294 ball, flying of kites or any other amusement or practice having a tendency to

295 annoy persons passing in the streets or on the sidewalks, or to frighten teams
296 and horses.

297 *Ninety-third*—To regulate and prohibit the keeping of any lumber yard,
298 and the placing or piling or selling any lumber, timber, wood or other com-
299 bustible material within the fire limits of the city.

300 *Ninety-fourth*—To provide by ordinance that all the paper, printing, sta-
301 tionery, blanks, fuel and all the supplies needed for the use of the city shall
302 be furnished by contract let to the lowest bidder.

303 *Ninety-fifth*—To tax, license and regulate second-hand and junk stores,
304 and to forbid their purchasing or receiving from minors, without the written
305 consent of their parents or guardians, any article whatsoever.

306 *Ninety-sixth*—To direct, license and control all wagons and other vehicles
307 conveying loads within the city, or any particular class of such wagons and
308 other vehicles, and prescribed the width and tire of the same, the license fee,
309 when collected, to be kept as a separate fund and used only for paying the
310 cost and expense of street or alley improvement or repair.

311 *Ninety-seven*—To pass all ordinances, rules and make all regulations
312 proper or necessary to carry into effect the powers granted to cities or vil-
313 lages, with such fines or penalties as the city council or board of trustees
314 shall deem proper: *Provided*, no fine or penalty shall exceed \$200.00, and no
315 imprisonment shall exceed six months for one offense.

- 1 Introduced by Committee on Municipal Corporations, April 22, 1909.
- 2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act granting power to the city council in cities, and the president and board of trustees in villages and incorporated towns to license and regulate advertising by means of bill boards, sign boards and signs.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the city council in cities and the president and board of trustees in villages and incorporated towns shall have the power to license street advertising by means of bill boards, sign boards and signs, and to regulate the character and control the location of such bill boards, sign boards and signs upon vacant property and upon buildings.

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- 1 Introduced by Committee on Municipal Corporations, April 22, 1909.
 - 2 Read a first time, ordered printed and to a second reading without reference.

A BILL

For an Act to regulate the rate of charges for transportation of passengers on
railroads doing suburban business.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That any railroad corporation, organized or do-
3 ing business in the State, under any Act of incorporation or general law of
4 the State now in force, or which may hereafter be organized under the laws
5 of any other state and doing business in the State, and having in connection
6 with its business a regular established schedule time card for the dispatch of
7 suburban trains, or shall dispatch any trains for the purpose of conveying
8 suburban passengers to or from any city, village, town or station for a dis-
9 tance of 25 miles or less, shall establish as a maximum rate of charges for
10 transportation of persons on any railroad for a distance of 25 miles or less.

11 to, from or between any city, village, town or station, on any railroad doing
12 suburban business, as follows:

13 For five miles or less and not exceeding ten miles, five cents; for more
14 than ten miles, not exceeding seventeen miles, ten cents; for seventeen miles,
15 not exceeding twenty-five miles, fifteen cents.

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- 1 Introduced by Committee on Municipal Corporations, April 22, 1909.
 - 2 Read first time, ordered printed and to a second reading without reference.

A BILL

For an Act to enable cities and villages to donate to counties bridge, bridges and toll roads owned or constructed by cities or villages outside the cities or villages and to be forever kept open for public travel and maintained by counties.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be lawful for any city or village within this State by resolution to donate any bridge, bridges or toll road owned by it, or hereafter constructed by it, outside the city or village, to the county in which said bridge, bridges or toll road is located, upon the State Highway Commissioners certifying to the board of supervisors in counties under township organization and to board of county commissioners in counties not under township organization of the county in which the bridge, bridges or toll road is located, that the bridge, bridges or toll road proposed to be donated is if such

10 construction and repair to be safely used by the public for travel, and upon the
11 filing of such resolution and certificate with the county clerk of the county in
12 which the bridge, bridges or toll road is located the county shall own said
13 bridge, bridges or toll road and forever keep it or them, in repair and free
14 to the public for travel.

- 1 Introduced by Committee on Judiciary, April 22, 1909.
- 2 Read a first time, ordered printed and to a second reading without reference.

A BILL

For an Act to amend section 6 of “An Act to revise the law in relation to marriages,” approved February 27, 1874, in force July 1, 1874; as amended by an Act approved May 13, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 6 of “An Act to revise the law in relation to marriages,” approved February 27, 1874, in force July 1, 1874; as amended by an Act approved May 13, 1905, in force July 1, 1905, be, and the same is hereby, amended to read as follows:

Sec. 6. That persons intending to be joined in marriage shall, before their marriage, obtain a license from the county clerk of the county *in which* such marriage is to take place, anything in any general or special law of this State

9 to the contrary notwithstanding. For the purpose of ascertaining the age of
10 the parties and the legality of the contemplated marriage the county clerk
11 shall, *before issuing such license, obtain affidavits of both of the parties to the*
12 *contemplated marriage; and, among other things to be stated in said affidavits,*
13 *the said affiant shall state whether he or she, respectively, has ever been di-*
14 *vorced, and, if yes, on what day in what year, and at what place and in what*
15 *court such divorce decree was entered; and if such divorce decree shall have*
16 *been entered within one year of the time when such license is so applied for, then*
17 *such affidavit, or affidavits, shall further state whether or not the other party*
18 *to said divorce is then still living. If, however, such* **DIVORCE SHALL HAVE**
19 **BEEN GRANTED FOR ADULTERY COMMITTED BY THE PERSON** *or*
20 *persons so applying for such license, then his, her or their affidavit or affidavits*
21 *shall so state; and in such case, if such decree shall have been entered within*
22 *two years of the time when such license is applied for, the affidavit of any ap-*
23 *plicant so theretofore adjudged guilty of adultery shall further state whether*
24 *or not the other party to such decree is still living. And said county clerk*
25 *may, if he deems proper, obtain the affidavits of any other person or persons*
26 *in regard to any of the foregoing matters. If any person making any such*
27 *affidavit shall wilfully and knowingly swear falsely therein as to any material*
28 *matter therein contained, and if the county clerk is thereby induced to issue a*
29 *marriage license purporting to permit any person or persons to be joined in*
30 *marriage who then is or are legally incapable, or who, at the time of the issue*
31 *of such license, has or have no right under the laws of this State to be joined*
32 *in marriage, the person or persons so offending shall be punished by a fine of*
33 *not less than five hundred dollars (\$500) nor more than one thousand dollars*
34 *(\$1,000), or by imprisonment in the county jail for not more than one year,*
35 *or by both such fine and imprisonment. Such affidavits may be made before*
36 *any officer in said county authorized to administer an oath and need not be*

37 made in the presence of the county clerk. But all such affidavits shall be filed
38 with said county clerk for preservation. To each license when issued the clerk
39 shall attach a certified copy of the affidavits of the parties to such proposed
40 marriage.

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- 1 Introduced by Committee on Judiciary, April 22, 1909.
 - 2 Read a first time, ordered printed and to a second reading without reference.

A BILL

For an Act to amend an Act entitled “An Act in relation to pandering: to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial therefor, and providing what shall be a defense,” approved June 1, 1908, in force July 1, 1908, and also the title of said Act.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an Act entitled “An Act in relation to pandering: to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial therefor, and providing what shall be a defense,” approved June 1, 1908, in force July 1, 1908, including the title of said Act, be amended so as to read as follows:

An Act in relation to pandering: to define and prohibit the same, to provide for the punishment thereof, for the competency of certain evidence at the trial therefor, and providing what shall not be a defense.

Sec. 1. Any person who shall procure a female inmate for a house of prostitution or who, by promises, threats, violence or by any device or scheme, shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution, or shall procure a place as inmate in a house of prostitution for a female person, or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate, or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this State, or to come into this State or leave this State for the purpose of prostitution, or who shall procure any female person who has not previously practiced prostitution to become an inmate of a house of ill fame within this State, or to come into this State or leave this State for the purpose of prostitution, or who shall receive or give, or agree to receive or give, any money or thing of value for procuring, or attempting to procure, any female woman to become an inmate of a house of ill fame within this State, or to come into this State or leave this State for the purpose of prostitution, shall be guilty of pandering, and upon a first conviction for an offense under this Act shall be punished by imprisonment in the county jail or house of correction for a period of not less than six months nor more than one year and by a fine of not less than three hundred dollars and not to exceed one thousand dollars, and upon conviction for any subsequent offense under this Act shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than ten years.

Sec. 2. It shall not be a defense to a prosecution for any of the Acts prohibited in the foregoing section that any part of such Act or Acts shall

3 have been committed outside this State, and the offense shall in such case be
4 deemed and alleged to have been committed and the offender tried and pun-
5 ished in any county in which the prostitution was intended to be practiced, or
6 in which the offense was consummated, or any overt acts in furtherance of
7 the offense shall have been committed.

Sec. 3. Any such female person referred to in the foregoing section shall
2 be a competent witness in any prosecution under this Act to testify for or
3 against the accused as to any transaction or as to any conversation with the
4 accused or by him with another person or persons in her presence, notwith-
5 standing her having married the accused before or after the violation of any
6 of the provisions of this Act, whether called as a witness during the existence
7 of the marriage or after its dissolution.

Sec. 4. The act or state of marriage shall not be a defense to any viola-
2 tion of this Act.

AMENDMENT TO

46th Assem.

HOUSE—No. 631

April 1909

Amend House Bill 631 by changing word “section” in line 2, section 3, to read “sections.”

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- 1 Introduced by Committee on Judiciary, April 22, 1909.
 - 2 Read a first time, ordered printed and to a second reading without reference.

A BILL

For an Act to prevent the detention, by debt or otherwise, of female persons in houses of prostitution or other places where prostitution is practiced or allowed, and providing for the punishment thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That whoever shall by any means keep, hold, detain
3 against her will or restrain, any female person in a house of prostitution or
4 other place where prostitution is practiced or allowed, or whoever shall,
5 directly or indirectly, keep, hold, detain or restrain, or attempt to keep, hold,
6 detain or restrain, in any house of prostitution or other place where prosti-
7 tution is practiced or allowed, any female person, by any means, for the pur-
8 pose of compelling such female person, directly or indirectly, to pay, liquidate
9 or cancel any debt, dues or obligations incurred or said to have been incurred
10 by such female person, shall, upon conviction for the first offense under this

11 Act, be punished by imprisonment in the county jail or house of correction
12 for a period of not less than six months nor more than one year, and by a
13 fine of not less than three hundred dollars and not to exceed one thousand
14 dollars; and upon conviction for any subsequent offense under this Act, shall
15 be punished by imprisonment in the penitentiary for a period of not less than
16 one year nor more than five years.

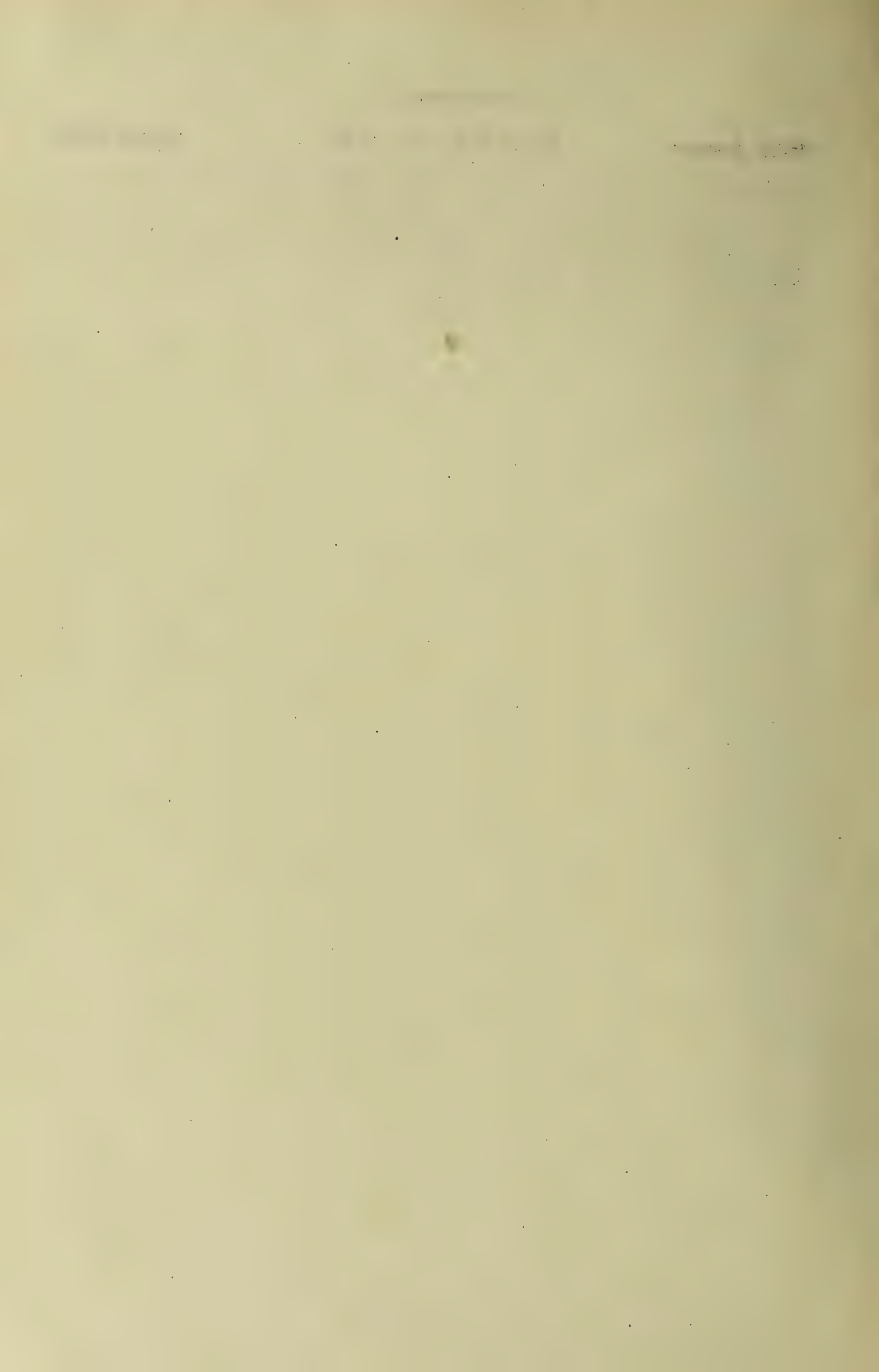
AMENDMENT TO

46th Assem.

HOUSE—No. 632

April 1909

Amend House Bill 632 by adding before the word “detain” in line 2 the word “or” so as to read “or detain.”



- 1 Introduced by Mr. Lane, April 22, 1909.
2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act making it unlawful to make or keep any picture of persons who have
not been convicted of criminal offense, without their consent.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person or persons
3 having in charge, custody or control of any prisoner, to take or cause to be taken
4 or permit others to take any photograph, or to make or permit to be made any
5 picture or representation of such prisoner unless such person shall have been
6 convicted of a crime above the grade of a misdemeanor, or unless such person
7 shall in writing signed by such prisoner consent. That any person violating
8 the provisions of this section, shall on conviction thereof be confined in the
9 county jail not less than six months, and not more than two years.

Sec. 2. It shall be unlawful for any person or corporation to have in his or
2 its possession, charge, custody or control, any photograph or graphic represen-

3 tation being or purporting to be a picture or representation of any person,
4 which was or may be taken or made while such prisoner is in the control or
5 custody of the law, unless such prisoner shall have consented in writing to the
6 taking or making of such picture or representation. Any person or persons vio-
7 lating the provisions of this section shall upon conviction thereof be confined in
8 the county jail for a period of not less than one year nor more than two years.

AMENDMENT TO

46th Assem.

HOUSE—No. 633

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 633 by striking out of the first line of the title thereof the words "or keep." By striking out of line three of the printed bill in section one thereof the word "of," by inserting in line eight of the printed bill after the word "conviction" the words "be fined not less than \$25.00 nor more than \$100.00;" by striking out the word "thereof" in line eight of the printed bill in section one (1) the word "thereof" and inserting in lieu thereof the word "or"; by striking out of line nine of said section the word "two" and inserting the word "one" in lieu thereof; by striking out the word "years" in the said lines and inserting the word "year"; by striking out section two of said bill.

- 1 Introduced by Mr. Stearns, April 22, 1909.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the payment of the printing and of the publication expenses of the Grand Army of the Republic of the Department of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That the sum of two thousand dollars (\$2,000.00) be
3 appropriated for the Grand Army of the Republic of the Department of Illinois
4 for the purpose of paying for the printing and publishing bills and other con-
5 tingent expenses of a similar nature incurred by said organization for the pur-
6 pose of keeping a permanent record of the soldiers and sailors of the civil war.

Sec. 2. That of the aforesaid sum appropriated, the sum of one thousand
2 dollars (\$1,000.00) shall be available annually for the purposes above named.

Sec. 3. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrant upon the State Treasurer for the sum herein appropriated.

3 Said warrants to be drawn only upon itemized bills signed by the department
4 commander and assistant adjutant general of the Grand Army of the Republic, Department of Illinois, and approved by the Governor and the State Treasurer
5 is hereby directed to pay said warrants drawn as aforesaid out of any funds
6 in the State treasury not otherwise appropriated.
7

-
- 1 Introduced by Mr. Kerrick, April 22, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to authorize the board of managers of the Illinois State Reformatory to purchase certain real estate and making an appropriation for such purchase.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the board of managers of the Illinois State Reformatory be, and they are hereby authorized to purchase and take a good and sufficient conveyance thereof to the State for the purposes of said Illinois State Reformatory in fee simple, the following described premises and real estate to-wit:

7 The southwest quarter of the northeast quarter and the north half of
8 the northwest quarter of section thirty-four (34) in township twenty-eight (28)
9 north, range five (5) east of the third Principal Meridian, in Livingston
10 county, State of Illinois, 120 acres by government survey.

Sec. 2. The sum of twenty-four thousand (\$24,000) dollars is hereby ap-
2 propriated for the purchase of and payment for said premises and real estate
3 aforesaid and the Auditor of Public Accounts is hereby authorized and di-
4 rected to draw his warrant on the Treasurer for the amount hereby appropri-
5 ated or so much thereof as may be necessary to purchase and pay for said
6 premises and real estate upon the order of the president and secretary of the
7 board of managers of the Illinois State Reformatory.

-
- 1 Introduced by Mr. Foster, April 22, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the payment of the amounts paid to the State Treasurer for license to fish under section (21) of an Act entitled “An Act to encourage the propagation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish commissioners, fixing their compensation, providing penalties for the violation of the provisions thereof” passed by the General Assembly of 1907, and known as House Bill number 834.

WHEREAS, The Supreme Court of the State of Illinois has declared section
2 21 of an Act entitled “An Act to encourage the propagation and to secure the
3 protection of fishes in all waters under the jurisdiction of the State of Illinois,
4 defining the duties of the fish commissioners, fixing their compensation and pro-
5 viding penalties for the violation of the provisions thereof,” passed by the Gen-
6 eral Assembly of 1907, and known as House Bill number 834, to be unconstitu-
7 tional; and,

8 WHEREAS, There has been paid into the treasury by various persons fees
9 for license to fish under said section 21.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented*
2 *in the General Assembly:* That there be and is hereby appropriated a sum of
3 money equal to the total amount paid into the treasury by such persons for
4 such license fees.

Sec. 2. That the Auditor of Public Accounts upon the delivery to him of
2 any such licenses, is hereby authorized and directed to draw a warrant on the
3 said Treasurer in favor of said persons, respectively, for the respective amounts
4 so paid by them, payable out of any money in the treasury not otherwise appro-
5 priated.

AMENDMENT TO

46th Assem.

HOUSE—No. 636

May 1909

AMENDMENT NO. 1.

Amend the printed bill by inserting in line 2 of section 1, after the word “appropriated,” the words and figures “\$15,248.31.”

- 1 Introduced by Mr. Foster, April 22, 1909.
2 Read by title, ordered printed and referred to Committee on Education.

A BILL

For an Act to authorize cities and towns to establish pension funds for teachers in
the public schools.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That in any city or town, except the city of Chicago,
3 which accepts the provisions of this Act a pension fund shall be established for
4 the retirement of teachers in the public schools. The fund shall be derived
5 from such revenues as may be devoted to the purpose by the city council of a
6 city or by direct appropriation by a town. The treasurer of the city or town
7 shall be the custodian of the fund, and shall make annual or semi-annual pay-
8 ments therefrom to such persons and of such amounts as shall be certified to
9 him by the school committee.

Sec. 2. The school committee of any city or town which shall accept the pro-
2 visions of this Act may retire from active service and place upon the pension

roll, any teacher of such city or town who is sixty years old or over, or is, in the judgment of said committee, incapacitated for useful service, and who has faithfully served such city or town for twenty-five years. The amount of the annual pension allowed to any person under the provisions of this Act shall not exceed one-half of the annual compensation received by such person at the time of such retirement and in no case shall exceed five hundred dollars.

Sec. 3. Upon the petition of not less than five per cent of the legal voters of any city or town, this Act shall be submitted, in case of a city, to the voters of such city at the next city election, and, in case of a town to the voters of such town at the next annual town meeting, and the vote shall be in answer to the question, to be placed upon the ballot: "Shall an Act passed by the General Assembly in the year 1909, entitled 'An Act authorizing cities and towns to establish pension funds for teachers in the public schools,' be accepted?" And if a majority of the voters voting thereon at such election or meeting shall vote in the affirmative this Act shall take effect in such city or town.

Sec. 4. So much of this Act as authorizes its submission to the voters of the city or town shall take effect upon its passage but it shall not take further effect in any city or town until accepted by the voters thereof as herein provided.

- 1 Introduced by H. W. Wilson, April 23, 1909.
- 2 Read by title, ordered printed and referred to Committee on Railroads.

A BILL

For an Act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful to transport, carry or con-
3 vey any dynamite, gunpowder or other explosive between any place within the
4 State of Illinois on any vessel, car or vehicle of any description, operated by
5 a common carrier, which vessel, car or vehicle is carrying passengers for
6 hire: *Provided,* that it shall be lawful to transport on any such vessel, car
7 or vehicle, small-arms ammunition in any quantity, and such fuses, torpedos,
8 rockets or other signal devices as may be essential to promote safety in opera-
9 tion, and properly packed and marked samples for laboratory examination, not
10 exceeding a net weight of one-half pound each, and not exceeding twenty sam-
11 ples at one time in a single vessel, car or vehicle; but such samples shall not
12 be carried in that part of a vessel, car or vehicle which is intended for the

13 transportation of passengers for hire: *And, provided, further,* that nothing
14 in this section shall be construed to prevent the transportation of military or
15 naval forces with their accompanying munitions of war on passenger equip-
16 ment vessels, cars or vehicles.

Sec. 2. That within thirty days from the passage of this Act the Rail-
2 road and Warehouse Commission of Illinois shall formulate regulations for
3 the safe transportation of explosives, and said regulations shall be binding upon
4 all common carriers engaged in interstate commerce in the State of Illinois
5 which transport explosives by land, and violations of them shall be subject to
6 the penalties hereinafter provided. The Railroad and Warehouse Commission
7 of Illinois, on its own motion or upon application made by any interested
8 party, may make changes or modifications of the regulations for the safe trans-
9 portation of explosives made desirable by new information or altered condi-
10 tions, and such changed regulations shall have all the force of the original regu-
11 lations. The regulations for the safe transportation of explosives referred to
12 in this section shall be in accord with the best known practicable means for
13 securing safety in transit, covering the packing, marking, loading, handling,
14 while in transit, and the precautions necessary to determine whether the mate-
15 rial, when offered, is in proper condition to transport. The regulations for the
16 safe transportation of explosives shall take effect thirty days after their formu-
17 lation and publication by the Railroad and Warehouse Commission of Illinois,
18 and shall be in effect until reversed, set aside or modified.

Sec. 3. That it shall be unlawful to transport, carry or convey liquid nitro-
2 glycerin, fulminate in bulk in dry condition, or other like explosive between any
3 places within the State of Illinois on any vessel, car or vehicle of any descrip-
4 tion operated by a common carrier in the transportation of passengers or arti-
5 cles of commerce by land or water.

Sec. 4. Every package containing explosives or other dangerous articles,
2 when presented to a common carrier for shipment shall have plainly marked
3 on the outside thereof the contents thereof, and it shall be unlawful for any
4 person, partnership or corporation to deliver for transportation to any com-
5 mon carrier engaged in commerce by land or water, or to cause to be deliv-
6 ered or to carry any explosive or other dangerous articles under any false
7 or deceptive marking, description, invoice, shipping order or other declaration,
8 or without informing the agent of such carrier of the true character thereof at
9 or before the time such delivery or carriage is made.

Sec. 5. Any person, partnership or corporation, who knowingly violates,
2 or causes to be violated, any of the foregoing provisions of this Act shall be
3 deemed guilty of a misdemeanor, and upon conviction thereof shall be pun-
4 ished for each offense by a fine not exceeding \$2,000.00, or by imprisonment
5 not exceeding eighteen (18) months, or both such fine and imprisonment, in
6 the discretion of the court.

Sec. 6. This Act shall take effect....., and all Acts and
2 parts of Acts in conflict therewith are hereby repealed.

1 Introduced by Mr. Hilton, April 23, 1909.

2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act to prohibit the manufacture, sale or use of unsanitary, dangerous or
deadly headgear or hats, and to regulate the exhibition thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the general Assembly:* That it shall be unlawful for any person or persons,
3 partnership, association, firm or corporation to manufacture, sell or give away,
4 or offer or expose for sale, gift or exhibition (except as hereinafter provided),
5 any hat or article of headgear intended for human wear which shall be wider
6 at the widest point than eighteen (18) inches, measured from edge of brim to
7 edge of brim along a straight line drawn through the center of the crown of
8 said article of headgear; or any article of headgear which shall bear or have
9 attached to it any plume, feather, aigrette, pin, or other ornament or article
10 projecting more than six (6) inches beyond the crown of said article of head-
11 gear; or any article of headgear, the crown whereof shall exceed one (1) cubic .

12 foot in size or weigh more than five (5) ounces avoirdupois; or any article of
13 headgear which shall bear the dead body or stuffed skin of any bird, snake,
14 lizard, or other animal, reptile or insect, or any other article subject to decay
15 and likely to become the breeding place for filth or disease germs:

16 *Provided, however,* that nothing in this section shall be construed to pre-
17 vent or prohibit exhibitions of ancient and freakish types and models of hats
18 or headgear for purposes of education or amusement, but not for advertising
19 or commercial purposes.

Sec. 2. It shall be unlawful for any person or persons to purchase any
2 article of headgear or hat as hereinbefore described in section one (1) of this
3 Act, or to wear any such article of headgear either in walking or driving upon
4 the public thoroughfares of the State of Illinois, or in any house, hotel, place
5 of amusement or other public place, or in any public vehicle.

Sec. 3. Any person or persons, partnership, firm, association or corpora-
2 tion violating any of the provisions of this Act shall, upon conviction of such
3 violation, be deemed guilty of a misdemeanor and be punished by a fine of
4 not less than one hundred dollars (\$100) nor more than two hundred dol-
5 lars (\$200).

Sec. 4. WHEREAS, An emergency exists; therefore this Act shall be of
2 effect from and after its passage.

1 Introduced by Mr. Cermak, April 23, 1909.

2 Read by title, ordered printed and referred to Committee on Miscellaneous
Subjects.

A BILL

For an Act restricting the erection of structures for advertising purposes near
parks and boulevards.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That it shall be unlawful for any person, firm or
3 corporation to erect, or cause to be erected, a structure of any kind or charac-
4 ter within 1,000 feet of any public park or boulevard within the limits of any
5 city of this State having a population of one hundred thousand (100,000), or
6 more, for the purpose of placing advertisements of any kind or character
7 thereon.

Sec. 2. Any person, firm or corporation violating the provisions of this
2 Act, upon conviction thereof, shall be subject to a fine of not less than fifty
3 dollars (\$50) nor more than five hundred dollars (\$500).

- 1 Introduced by Mr. Brown, April 27, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to regulate the reporting of the decisions of the appellate courts of this State, to provide for their publication and the appointment of a reporter for said courts and to fix the salary of said reporter.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That at the October session, 1909, of the supreme
3 court of Illinois, and every six years thereafter, said court shall enter an
4 order appointing a reporter for the appellate courts of the State of Illinois,
5 whose salary shall be \$6,000 per annum, payable out of the State treasury in
6 quarter yearly installments, upon the warrant of the Auditor of Public Ac-
7 counts, issued upon vouchers approved by the chief justice of the supreme
8 court.

Sec. 2. The reporter of the appellate courts shall hold office for the term
2 of six years and until his successor shall be appointed, and may be removed
3 for inefficiency, misconduct or neglect of duty by the supreme court, either upon
4 its own motion or upon complaint, in writing, filed by any justice of any of
5 the appellate courts of the State, upon such hearing as shall be prescribed by
6 the rules of the Supreme Court or directed by a special order of said
7 court.

Sec. 3. The supreme court shall, at its October session, 1909, prescribe, by
2 an order entered of record, the duties of the reporter of the appellate courts,
3 the manner in which he shall prepare the opinions of said courts for publica-
4 tion and all other particulars, respecting the reporting and publication of said
5 reports, so far as the duties of said reporter shall relate thereto, but the du-
6 ties of said reporter shall not extend to the letting of any contract for the
7 printing of said reports nor to the mechanical work of printing the same, but
8 it shall be his duty to read the final proof sheets of all opinions before the
9 same shall be printed.

Sec. 4. The opinions of the appellate courts of this State shall be printed
2 and bound in such style and editions of reports as shall be prescribed by an
3 order of the supreme court and it shall be the duty of said court, at its Octo-
4 ber term, 1909, to enter an order prescribing the style of printing and bind-
5 ing of said reports and providing for the printing of such editions thereof as
6 shall be deemed sufficient to supply the public demand, and it shall be the duty
7 of the justices of the supreme court to let contracts for the printing of the re-
8 ports of the appellate courts in such editions and numbers as they shall deem
9 necessary. Such contract shall be let to the lowest and best bidder therefor
10 and the person or corporation to whom the contract of printing shall be let shall
11 give a good and sufficient bond, to be approved by the supreme court, for the
12 faithful performance of the contract. Such contract shall be let upon sealed

13 bids, after advertising the terms and specifications of the contract of letting
14 for a period of not less than ninety days prior to the day of letting in two
15 daily newspapers of the city of Springfield. The printing and binding of said
16 reports shall be paid for out of the general appropriation for public printing
17 and the work of printing shall be supervised by the State printer and the edi-
18 tions of said reports shall be placed in the custody of the Secretary of State
19 and sold at such price as shall be fixed by an order of the supreme court,
20 based upon the actual cost of compiling and publishing. All moneys received
21 by the Secretary of State for the sale of said reports, or upon regular sub-
22 scription therefor, shall be paid into the State treasury and accounted for in
23 the regular financial reports of the Secretary of State the same as other in-
24 come of his office.

Sec. 5. The head notes and opinions, so far as the same are subject
2 thereto, shall be copyrighted in the name of the Secretary of State, for the
3 use of the State of Illinois, and the contract for printing each volume of the
4 reports of the appellate courts shall provide for the making of permanent
5 matrices or plates for the publication of future editions of said reports and
6 the same, when not in use, shall be safely kept in custody of the Secretary
7 of State.

Sec. 6. It shall be the duty of the supreme court to provide, by order,
2 for the printing, publication, sale and distribution of the reports of the appel-
3 late courts and for the custody thereof and accounting therefor, except as pro-
4 vided for in this Act, and said court may, from time to time, modify any
5 order or rule, either prescribing the duties of the reporter of said court, or
6 regulating the printing, publication and sale of said reports and, by order, fix
7 such allowance to the reporter of said court, for expenses and assistance, as
8 shall be deemed necessary from time to time; and, by order, change the same
9 when, in their judgment, a change shall be required.

Sec. 7. The Secretary of State shall provide the reporter of the appellate
2 courts with a suitable office for the performance of his duties in the State Cap-
3 itol building at Springfield.

1. Introduced by Mr. Beckmeyer, April 27, 1909.
2. Read by title, ordered printed and referred to Committee on Judicial Department and Practice.

A BILL

For an Act to amend section 5 of "An Act concerning circuit courts and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879; and as amended by an Act of the General Assembly approved June 11, 1897, and in force July 1, 1897; as amended by an Act of the General Assembly approved April 7, 1905, in force July 1, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That section 5 of "An Act concerning circuit courts
3 and to fix the time for holding the same in the several counties in the judi-
4 cial circuits of the State of Illinois, exclusive of the county of Cook," ap-
5 proved May 24, 1879, in force July 1, 1879; and as amended by an Act of
6 the General Assembly approved June 11, 1897, and in force July 1, 1897; as
7 amended by an Act of the General Assembly approved April 7, 1905, in force

8 July 1, 1905, be and the same is hereby amended so as to read as
9 follows:

10 Sec. 5. *Fourth District*—In the county of Marion, on the second Monday
11 of January and the fourth Mondays of April and September: *Provided*, that
12 no grand jury shall be summoned for the January term of Marion county;
13 in the county of Clinton, on the third Monday of January, on the first Mon-
14 day of June and on the fourth Monday of September: *Provided*, the June
15 term in Clinton county shall have no grand jury summoned, unless the same
16 is done on the written order of the judge, made thirty days prior to the first
17 day of the term; in the county of Clay, on the second Mondays of March and
18 September; in the county of Fayette, on the second Mondays of February and
19 May and the fourth Monday of August; in the county of Effingham, on the
20 third Mondays of March and October; in the county of Jasper, on the second
21 Mondays of April and October; in the county of Montgomery, on the third
22 Monday of January and first Mondays of April and November; in the county
23 of Shelby, on the fourth Monday of March and the first Monday of June and
24 the second Monday of November; in the county of Christian, on the second
25 Monday of March and fourth Mondays of August and November: *Provided*,
26 in the June term Shelby county shall have no juries summoned, unless the
27 same is done on the written order of the judge, made thirty days prior to
28 the first day of the term.

AMENDMENTS TO

46th Assem.

HOUSE—No. 642

May 1909

Adopted May 7, 1909.

AMENDMENT NO. 1.

Amend House Bill No. 642 as follows: By striking out the title of the bill and inserting in lieu thereof the following: "A bill for an Act to amend section 5 of an Act entitled, 'An Act to amend an Act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of Illinois, exclusive of the county of Cook,' approved May 24, 1879, in force July 1, 1879, and as amended by an Act of the General Assembly approved June 11, 1897, and in force July 1, 1897; as amended by an Act of the General Assembly approved April 7, 1905, in force July 1, 1905."

AMENDMENT NO. 2.

Amend by inserting in line 2 of the printed bill, after the word "act," the words, "entitled an Act to amend an Act."

AMENDMENT NO. 3.

Amend by inserting in line 26 of the printed bill, after the word "term," the word "in."

AMENDMENT NO. 4.

Amend House Bill No. 642 by adding at the end of section 5 the following:
“*Provided*, that all suits, writs and processes of every kind and nature, either civil or criminal, heretofore commenced or pending in the circuit court of Clinton county, or that may be pending therein at the time this Act takes effect, shall be cognizable and triable at the first term after this Act goes into force and effect.”

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- 1 Introduced by Mr. Robinson, by request, April 27, 1909.
 - 2 Read by title, ordered printed and to lie on the Speaker's table.

A BILL

For an Act to provide for the better protection and safety of employes in foundries where castings of any metallic nature are manufactured.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That all entrances to foundries shall be constructed
3 and maintained so as to minimize drafts.

Sec. 2. Whenever a foundry is so constructed or operated that smoke,
2 steam, dust or noxious gases are not promptly carried off by the general ven-
3 tilation, exhaust fans shall be provided. No salamanders or open fire-places
4 shall be used unless ample provision is made for conveying the gases arising
5 therefrom directly from the building.

Sec. 3. Foundries shall be reasonably well lighted throughout working
2 hours, and reasonably well heated during the cold and inclement weather. Hot

3 water shall be kept available for washing purposes during the season in
4 which artificial heating is necessary, and facilities shall be provided for dry-
5 ing the clothing of persons employed therein.

Sec. 4. All passage-ways in foundries now in operation, or hereafter to
2 be built, shall be constructed and maintained of sufficient width to make them
3 reasonably safe for the workmen, and no unnecessary obstructions shall be
4 allowed in such passage-ways during the hours of casting, and all pits around
5 furnaces in any such foundry shall be covered with substantial iron gratings.

Sec. 5. All furnaces used for melting brass, copper or alloys, whether
2 they be operated by gas, oil, coal, coke or any other substance or fuel, shall
3 be separated from the molding room of said foundry by a substantial wall or
4 partition, the construction of which shall consist of material other than wood;
5 and blowers shall be installed in every furnace room of all such foundries for
6 the purpose of carrying off the poisonous fumes generated by the melting and
7 pouring of the different brasses and alloys.

Sec. 6. No sinks, cesspools or privies or other places of like nature shall
2 be built, kept or maintained within any said foundry proper.

Sec. 7. There shall be kept on hand at all times in every foundry a rea-
2 sonable supply of lime water, sweet oil, vaseline, bandages and absorbent cot-
3 ton for use by the workmen in case of burns or accident.

Sec. 8. It is hereby made the duty of each and every State Factory In-
2 spector to enforce a compliance with the provisions of this Act. The chief
3 factory inspector or his deputies, or any person authorized by him to act as
4 foundry inspector or deputy foundry inspector, shall be deemed a State Fac-
5 tory Inspector within the meaning of this Act.

Sec. 9. Any place or establishment where metal castings or cores are
2 made shall be deemed a foundry within the meaning of this Act.

Sec. 10. Any person who shall violate any of the provisions of this Act,
2 whether as owner, lessee, manager, agent, servant or employe, shall be deemed
3 guilty of a misdemeanor and on conviction thereof in any court of competent
4 jurisdiction shall be punished by a fine of not less than fifty dollars nor more
5 than one hundred dollars, and costs of prosecution, or by imprisonment in the
6 county jail of not less than one month nor more than three months, or by both
7 such fine and imprisonment, in the discretion of the court.

- 1 Introduced by Mr. Poulton, April 27, 1909.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act in reference to proof of disputed handwritings.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That comparison of a disputed writing with any
3 writing proved to the satisfaction of the court to be the genuine handwriting
4 of any person claimed on the trial to have made or executed the disputed in-
5 strument or writing shall be permitted to be made by witnesses, and such writ-
6 ing and evidence respecting them may be submitted to the court by jury.

-
- 1 Introduced by Mr. Parker, April 27, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriation to repair bridges over the Illinois and Michigan canal at points where highways existed prior to construction of said canal.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That there is hereby appropriated the sum of fifty
3 thousand dollars (\$50,000.00) out of the funds in the State treasury, not other-
4 wise appropriated, to be used for the purpose of repairing bridges over the
5 Illinois and Michigan canal, constructed by the State of Illinois, on highways,
6 existing prior to the construction of said canal.

Sec. 2. Said bridges shall be repaired by and under the direction of the
2 Canal Commissioners out of the appropriations hereby made. The money
3 herein appropriated shall be used for no other purposes than as herein
4 specified.

Sec. 3. The Auditor of Public Accounts is hereby authorized to draw
his warrants on State Treasurer for the money hereinbefore appropriated,
upon the order of the Board of Canal Commissioners.

AMENDMENT TO

46th Assem.

HOUSE—No. 645

May 1909

AMENDMENT NO. 1.

Amend by striking out the words and figures “\$50,000.00” wherever they may occur in the printed bill, and inserting the words and figures “\$20,000.00” in lieu thereof.

1. Introduced by Mr. E. J. Murphy, April 27, 1909.
2. Read by title, ordered printed and referred to Committee on Miscellaneous Subjects.

A BILL

For an Act to prevent persons from advertising to tell fortunes, to restore lost or stolen property, to locate oil wells, gold or silver or other ore, metal or natural product, to restore lost love, friendship or affection, to reunite or procure lovers, husbands, wives, relatives or friends, to give advice or counsel of any kind, by means of occult or psychic powers, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, cards, charms, talismans, potions, magnetism, magnetised articles or substances, oriental mysteries, magic, or like subtle science or means, and to prevent the practice of fraud by means or in the name of spirit mediumship, palmistry, card reading, astrology, seership, fortune telling, or like subtle science or means, spiritualism or any other religion, school, cult or denomination, and from obtaining money thereby, and providing a penalty therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That it shall be unlawful for any person to adver-

tise by display sign, card, circular, hand-bill, or in any newspaper, periodical, magazine or other publication, or by any other means, to tell fortunes or reveal the future; to find or restore lost or stolen property; to locate oil wells, gold or silver or other ore or metal or natural product; to restore lost love, friendship or affection; to reunite or procure lovers, husbands, wives, lost relatives or friends; or to give advice or counsel of any kind or nature to others by means of occult or physic powers, faculties or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, cards, talismans, charms, potions, magnetism or magnetised articles or substances, oriental mysteries, magic or like subtle science or means; and any person convicted thereof shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not longer than six months, or both.

Sec. 2. That any person who shall obtain money or property of any kind from another by means of fraudulent devices or practices in the name or in the exercise and use of spirit mediumship, palmistry, card reading, astrology, seership, fortune telling, or any other like subtle or pretended science, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not longer than six months, or both.

Sec. 3. That any person who shall hold or give any public or private meeting, gathering, circle, sitting or seance of any kind in the name of spiritualism, or of any other religious body, school, society, cult or denomination, and therein practice or knowingly permit to be practiced fraud or deception of any kind with the intent thereby to obtain money, property or valuables from any one, shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the county jail not longer than six months, or both.

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- 1 Introduced by Committee on Judiciary, April 27, 1909.
 - 2 Read first time, ordered printed and to second reading without reference.

A BILL

For an Act to provide when recorded instruments shall cease to be constructive notice of lien to owners of real estate and to purchasers for value.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever it shall appear from the records that the statute of limitations shall have run against the commencement of a suit to enforce any instrument creating a lien on any real property in the State, the record of such instrument shall cease to be constructive notice of a lien to owners of realty or purchasers thereof, at the end of the statutory period, and any bona fide purchaser of such property shall acquire such property free from any such lien: *Provided*, that minors may bring suit within three years after the disability is removed if such minors were owners of the instrument when the statute of limitations which barred such instrument began to run against such instrument and incompetent or insane persons, either by them-

12 selves or conservator, shall have five years after the statute shall have barred
13 such instrument.

Sec. 2. The commencement of any suit to foreclose such lien shall be suf-
2 ficient notice of the continuance of such lien and all instruments which may
3 now or shall be barred by the statute of limitations within one year after this
4 Act goes into effect, the persons having any rights under such instruments may
5 foreclose such lien within one year after this Act goes into effect: *Provided,*
6 *however,* before any person who owns such real estate now affected can claim
7 the benefit of this statute he must give actual notice to the owner or owners
8 of such instruments if such owner or owners of such instruments are known
9 and in case such owners are not known, notice by publication in a newspaper
10 published in the county where the property is situated, and said publication
11 must be given for three successive weeks and such notice must specify the
12 names of the parties of record to such instrument and the office and the book
13 and page in which said instrument is recorded.

1 Introduced by Mr. F. J. Wilson, April 27, 1909.

2 Read by title, ordered printed and referred to Committee on Revenue.

A BILL

For an Act requiring cities and villages to submit any ordinance authorizing the issue of bonds or other obligations, except to refund any existing bonded indebtedness, to the voters of such city or village.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That no ordinance passed by the city council of any
3 city, or the president and board of trustees of any village, as the case may
4 be, authorizing the issue of bonds or other obligations, except bonds to refund
5 any existing bonded indebtedness, shall become operative until any such ordi-
6 nance shall have been submitted to the voters of any such city or village, as
7 the case may be, at the next succeeding general or special election and ap-
8 proved by a majority of such voters voting upon the question.

Sec. 2. Such ordinance shall be printed on a ballot which shall be separate from the ballot for candidates for office, stating the amount of the bond issue provided for in such ordinance and the purpose or purposes for which such bonds or obligations are to be issued.

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- 1 Introduced by Mr. Kittleman, by request, April 27, 1909.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary.

A BILL

For an Act concerning the property of extinct churches, parishes and religious societies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented*
2 *in the General Assembly:* That if any church, parish or religious society fails
3 for two consecutive years to maintain regular religious services as often as
4 once a month for nine months in a year, or has had for two years less than
5 thirteen resident attending members paying annual pew rent, or making an-
6 nual contributions toward its support, such church, parish or religious society
7 shall be deemed extinct, and the incorporated presbytery, synod, convention, or
8 other governing body with which it is affiliated, or which has ecclesiastical jur-
9 isdiction over it, may take possession of the temporalities and real and per-
10 sonal property belonging to such extinct church, parish or religious society, and
11 manage, rent, lease, sell, convey, invest or otherwise dispose of the same for

12 the benefit of the religious denomination represented by such governing body,
 13 and for the purpose of obtaining a record title to the land and the church edi-
 14 fice or other buildings thereon, if any, by such incorporated governing body,
 15 the surviving trustee or trustees of said extinct church, parish or religious
 16 society may, without a consideration being paid therefor by such incorporated
 17 governing body, convey to it said land and all buildings thereon: *Provided*,
 18 that before said conveyance is made by said surviving trustee or trustees a
 19 meeting of the members of such extinct church, parish or religious society
 20 shall be called for the purpose of authorizing such conveyance. A notice stat-
 21 ing the time and place and object of such meeting shall be posted in a conspicu-
 22 ous place on the property and shall also be mailed, postage prepaid, to all the
 23 members of such church, parish or religious society at their last known ad-
 24 dress at least three weeks before said meeting. If a majority of such mem-
 25 bers attending such meeting vote in favor of such conveyance, then said sur-
 26 viving trustee or trustees shall be authorized to convey said property to said
 27 incorporated governing body: *Provided, further*, that if all the surviving mem-
 28 bers of such church, parish or religious society sign a written statement ap-
 29 proving such transfer, then no meeting of such members need be held.

Sec. 2. If the surviving trustee or trustees of any extinct church, parish
 2 or religious society neglect or refuse to convey its property to the incorpo-
 3 rated governing body of the denomination to which it belongs, or, if there be
 4 no surviving trustee of such church, parish or religious society, then, upon
 5 petition of such incorporated governing body, the circuit court of the county
 6 in which such property is located, upon proof that such church, parish or re-
 7 ligious society has become extinct under the terms of this Act, may make an
 8 order adjudging and decreeing that the title to such property is in such incor-
 9 porated governing body. A notice of the pendency of such suit shall be issued
 10 containing the name of the incorporated governing body complainant, the

11 name of the extinct church, parish or religious society, a description of the
12 property in question, the names of the surviving trustees and officers of such
13 extinct church, parish or religious society, as far as known, the title of the
14 court and the time and place of return of summons in the case. Said notice
15 shall be published at least once in each week for four successive weeks in
16 some public newspaper published in the county where the property is located.
17 or, if no newspaper is published in such county, then in the nearest news-
18 paper in such State, the first publication to be at least forty days prior to the
19 beginning of the term of court at which such suit is returnable; a written or
20 printed copy of such notice shall be posted in a conspicuous place on the prop-
21 erty and in five other of the most public places in said county, and shall also
22 be served on the surviving officers and trustees of said church, parish or re-
23 ligious society who can be found in said county by delivering a copy thereof
24 to each of said officers and trustees or leaving such copy at his usual place
25 of abode with some person of the family of the age of ten years or upwards,
26 and informing such person of the contents thereof, and be mailed, postage
27 prepaid, to all other trustees and officers, addressed to their last known address
28 at least forty days before the beginning of the term of court at which such
29 suit is returnable. All persons not mentioned by name in said notice and the
30 summons who claim an interest in the property of any such extinct church.
31 parish or religious society shall be made defendants under the general title,
32 to whom it may concern, and all such persons shall be deemed to be included
33 under such general designation, and the rights and claims of all such persons
34 shall be deemed to have been determined in such suit: *Provided*, that when
35 any final decree shall be entered against any defendants who shall not have
36 been summoned or been served with a copy of the bill or received the notice
37 required to be sent him by mail and such person, his heirs, devisees, exec-
38 utor, administrator or other legal representatives, as the case may require.
39 shall, within one year after notice, in writing given him of such decree, or,

40 within three years of such decree, if no such notice shall have been given him
41 as aforesaid, appear in open court and petition to be heard touching the mat-
42 ter of such decree, and shall pay such costs as the court shall deem reason-
43 able in that behalf; the person so petitioning may appear and answer the com-
44 plainant's bill, and thereupon such proceedings shall be had as if such defend-
45 ants had appeared in due season and no decree had been made. And if it
46 shall appear, upon the hearing, that such decree ought not to have been made
47 against such defendants, the same may be set aside, altered or amended, as
48 shall appear just; otherwise the same shall be ordered to stand confirmed
49 against said defendant. The decree shall, after three years from the making
50 thereof, if not set aside in manner aforesaid, be deemed and adjudged con-
51 firmed against said defendant and all persons claiming under him by virtue
52 of any act done subsequent to the commencement of such suit; and at the end
53 of said three years, the courts may make such further order in the premises
54 as shall be required to carry the same into effect.

UNIVERSITY OF ILLINOIS-URBANA

Q. 328.773 BIH C002 v.46:190-649(19
House bills (introduced in the) General



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